



Staff Report

Planning Commission Meeting: August 25, 2025

Application:	<u>UDO25-0001</u>: Amendments to Title 18 Unified Development Ordinance Chapter 18.50 (UDO 18.50.190) pertaining to Signs
Applicant:	City of Olathe, Economy - Planning Division
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Overview

The Olathe 2040: Future Ready Strategic Plan focuses on increasing unique experiences and places in Olathe, and establishing the City as the premier business, retail and entertainment draw in the region. As part of the annual update program, staff recommends changes to Unified Development Ordinance (UDO) 18.50.190 pertaining to rooftop signs, wall signs, projecting signs, and canopy signs in the Downtown zoning district. These recommendations allow for greater flexibility and variety to support a more vibrant and inviting place for people. In addition, general sign code updates are recommended to sign definitions, and to the process for approving exceptions to sign code requirements.

On June 3, 2025, a discussion was held with the City Council and direction was given for staff to pursue these updates. Subsequently the proposed amendments were discussed at the July 28, 2025 Planning Commission Workshop, and no significant changes have been made to the draft language since that time.

UDO Proposal Summary

A summary of the amendments is provided below and a full redline copy of the proposed updates is attached to this report.

1. Definitions and Administration

The section introduces clarified definitions for various sign types, including internally and indirectly illuminated signs, and new definitions for window area, backer panels, and building identification signs.

2. Permits and Administration

A permit is required for most signs, with exemptions for certain interior or fully screened signs. Permit applications must include scaled plans, illumination details, materials, and property owner consent. Additional electrical or structural permits may also be required.

3. General Standards

All signs must be structurally sound, maintained in good repair, and designed to complement the building. Signs on all buildings must consider the scale, character and design of the subject building. Flashing lights, rapid color changes, and glare onto adjacent properties are prohibited.

4. Sign Types and Limits in Downtown District

The total combined area of all sign faces on a tenant façade may not exceed 15% of that façade's area. This includes wall, painted wall, projecting, awning, over canopy, and window signs. Under canopy signs, "A" frames, and menu boards are excluded from the calculation.

Comprehensive regulations define allowed sign types and their size, placement, and illumination:

- Wall signs are limited to 10% of wall area, with additional provisions for corner and rear signage.
- Painted wall signs are allowed only in the Downtown Core, with maintenance requirements and exclusions for art murals.
- Projecting signs are limited in spacing, size, height, and projection, with design integration requirements.
- Awning and canopy signs are restricted in coverage, height, and lighting type.
- Under canopy, window, "A" frame, and menu board signs are permitted with size and location limits.
- Roof signs are only allowed in certain corner and mid-block locations in the Downtown Core, with strict dimensional and design criteria.

5. Prohibited Signs

The Prohibited Signs sections was amended to permit roof signs and painted wall signs in the Downtown Core District only.

6. Exceptions

Deviations to sign code regulations in conventional zoning districts require Planning Commission approval, and in the Original Town Overlay District require Governing Body approval. Criteria for exceptions include ordinance intent, safety, visual impact, site constraints, and design quality.

Staff Recommendation

Staff recommends approval of the proposed amendments as detailed in the attached UDO25-0001 Amendments Exhibit. This item will proceed to the City Council following the recommendation of the Planning Commission.

18.50.190 Signs*

* Signs are also governed by OMC Chapter [12.10](#)

Purpose and Findings: This section regulates and controls 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 Olathe. This section:

- *Encourages the reasonable, orderly and effective display of signs;*
- *Enhances the physical appearance of the City;*
- *Reduces visual clutter;*
- *Prevents blighting influences;*
- *Protects property values;*
- *Provides 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*
- *Authorizes the use of signs that are compatible with their surroundings.*

A. Applicability and Definitions

This section applies to signs. Signs, sign types, and other terms and phrases used in this section are defined as follows:

“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. Nondurable materials, glass, paper, laminated paper, vinyl, plastic, PVC pipe frames, or illumination are prohibited materials for the construction of an “A” frame sign.

Abandoned Sign

A sign which no longer advertises or identifies a business, lessor, owner, product, activity, message or location.

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 section.

Awning Sign

(Nonilluminated.) A sign which is mounted, painted or printed on, or attached to an awning or canopy.

Backer Panel

A background behind the graphics of a sign that is made from a solid opaque material on which the graphics may be attached, used to enhance the aesthetic and structural durability of a sign.

Billboard

A freestanding outdoor advertising structure, on or off site, which advertises a product or service, or relays a message to the public, with a per face area greater than two hundred (200) square feet.

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 is considered part of the wall.

Building Identification Sign

A sign that serves to identify the name and/or address of the building(s) upon which it is located. Such signs do not include any advertising or promotion of any business, goods, or services.

Canopy

See "Building Canopy" and "Freestanding Canopy."

Changeable Copy Sign

A permanent sign with a manually changeable face or message. This includes letters that can manually be replaced to change the message of the sign. It does not include electronic message boards or directly illuminated signs of any kind.

Community Information Sign

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.

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 two (2) or more separate offices, businesses or apartments; provided, that the building is not part of a large complex. A complex is limited to apartment, office or business complexes, shopping centers and/or industrial parks.

Copy Area

(See Sign Face.)

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.

Electronic Message Board

A sign which displays information through a digital display. Typically, electronic message boards use a bank of lights that can be individually lit to form copy such as words, letters, logos, figures, symbols, illustrations, or patterns to form a message that may change or

move without altering the sign face. This includes video screens, LED (light emitting diode boards), or similar technology.

Erected

This term means attached, altered, built, constructed, reconstructed, and must include the painting of wall signs, but does not include copy changes on any legal conforming sign.

Freestanding Canopy

A self-supported, detached roof-like structure covering such areas as gas pumps and drive-through service areas.

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 official in the performance of his/her public duty.

Indirectly (Externally) Illuminated Sign

A sign which is illuminated by a shielded light source located externally to the sign structure that projects a consistent light toward the sign but does not project beyond the structure to which it is attached.

Internally Illuminated Sign

A sign illuminated by an internal light source diffused through a translucent material. This includes back-lit signs with a light source located within the sign structure that projects illumination back towards the wall or other solid feature to which the sign is attached and which the sign face shields the light source in every direction except back.

Marquee

A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building frequently used to display signage.

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.

Menu Board, Freestanding

A permanent, nonportable sign that faces and is adjacent to a drive-through lane. Preview boards are freestanding.

Menu Board, Wall

A sign that is located in a permanently mounted display box on the surface of the building. This type of sign customarily incorporates a menu containing a list of products and prices offered by a restaurant. Menu boards do not include preview boards.

Monument Sign

A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. The sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or other materials consistent with the building the sign is representing.

Off-Site Sign

A sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located.

Parapet or Parapet Wall

That portion of a building wall that rises above the roofline.

Permanent Sign

Any wall, monument, or other sign that is fixed, lasting, stable, enduring, not subject to change, and intended to remain for an indefinite period of time.

Person

An individual, corporation, association, firm or partnership.

Portable Sign

A sign which is not permanently affixed to the ground, building or other structure, which may be mounted on wheels, worn or carried by an individual, and can easily be transported from place to place, but does not include permitted temporary signs.

Preview Board

A permanent, nonportable sign used in conjunction with a menu board that faces and is adjacent to a drive-through lane. Preview boards are freestanding, and are not attached to menu boards. Electronic preview boards with programmable messages are not permitted.

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.

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, and includes signs of public service companies indicating danger and aids to service or safety.

Real Estate Sign

An 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.

Roof

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

Roof Sign

A sign erected, constructed or maintained partially or wholly upon or over the roof of a building.

Sign

Any identification, description, illustration, message, symbol, logo or device which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanent or temporary display of merchandise, emblems, corporate flags, pennants or placards, designed to advertise, identify, or convey information, including all supporting structures.

Sign Alteration

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

Sign Area

See "Sign Face."

Sign Base

That portion of a sign attached to the ground and supports the sign face or sign copy area, but excluding the sign footing.

Sign Face

That area used to measure the sign area (see subsection [C.6](#), below). See subsection [D](#), below, for sign face rules for monument signs and wall signs.

Sign Maintenance

See subsection [E.1](#), below.

Sign Structure

The base, supports, uprights, braces, framework and face of a sign.

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.

Subdivision Entry Marker

A monument sign located at the entry of a platted subdivision.

Temporary Sign

A sign constructed of cloth, canvas, cardboard, plywood or other similar material, which is readily moveable and not permanently attached to the ground or any structure thereof, that does not constitute a structure, and which is intended to be displayed for a short period of time. Examples include garage sale signs, grand opening signs, and election signs.

Traffic Control Sign

A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, erected by or on the order of any public officer in the performance of his/her public duty, as well as signs erected on private property designed to facilitate traffic safety or traffic circulation on the site.

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.

V-Shaped Sign

The two (2) permitted faces of a standard double-faced yard or monument sign placed in a v-shaped configuration where the two (2) faces or their supporting structures are connected at the point of the “V.” The angle between the two (2) faces will not exceed sixty (60) degrees.

Vehicular Sign

Any name, insignia, logo, or sign displayed, mounted, painted or otherwise placed on a trailer, truck, automobile, or other vehicle that is parked, placed, or stored so that the vehicular sign is visible from a public street or right-of way, or that is parked, placed, or stored for the purpose of displaying advertising signage.

Wall

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

Window Area

The total surface area of the combined glass portion of a window or a continuous group of windows and glass doors within a single wall plane of a building that are not separated by substantial frames, mullions, dividers or similar. This includes side lights and transoms if they are part of the same window system or storefront.

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.

Window Sign

A sign that is placed on or behind a windowpane and intended to be viewed from outside the building. Window signs must be painted, posted, or etched on an interior translucent or transparent surface, including windows or doors. This sign may contain text, graphic logos, or images combined with color.

Yard Sign

A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

B. Administration

1. Sign Permit

a. Applicability

It is unlawful for any person to erect, or alter any sign as defined in this ordinance without first obtaining a sign permit. This does not require a permit for sign maintenance, altering permitted changeable copy, or signs exempted from a permit as described elsewhere in this section.

Signs that are not readily visible from street right-of-way (public or private) do not require a permit unless the sign is visible from an adjoining lot or parcel zoned or used for residential purposes, and such determination will be made by the Planning Official. Examples include interior signs located entirely within a building, and signs located in interior courtyards and enclosed patios that are screened from public view.

A sign is considered not readily visible where it is fully obstructed by natural changes in grade, buildings, or landscaping that provides an all-season visual barrier from ground level at the edge of the public right-of-way or residential property line, or from the upper level of a residential building on an adjoining property.

b. Initiation

Sign permit applications must be accompanied by one (1) set of plans drawn to scale indicating the sign size, location of the sign and any required landscaping, method of illumination, colors, materials of the sign and structure, method of attachment, and any permit fees. In addition, the applicant must submit other information relating to the placement, construction, and design, as needed to demonstrate compliance with this section.

Prior written consent of the property owner or authorized agent upon which the sign is to be placed is required at the time of application for a sign permit.

A separate permit for electrical and/or structural review may be required.

c. Decision

The Building Official will approve or deny the sign permit application no later than thirty (30) days following the date of its submission. If the Building Official fails to timely act on the application, the sign permit is deemed approved unless the applicant submits a request for continuance.

d. Issuance

The Building Official will 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.

e. Revocation and Denial

The Building Official 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 Building Official, a written notice of the denial will be given to the applicant, together with a brief written statement of the reasons for the denial.

f. Sign Permit Appeal

An appeal of denial may be made to the Board of Zoning Appeals upon denial of a sign permit. The appeal must be filed within thirty (30) days of the denial of the sign permit. The Board of Zoning Appeals must make a final decision not later than forty-five (45) days after the appeal has been filed unless a request for continuance is submitted by City staff or applicant.

g. Scope of Approval

A sign permit does not authorize the maintenance of an unlawful sign, and does not constitute a defense in an action to abate an unlawful sign.

2. Removal of Sign

a. If the Planning Official determines that any sign or other advertising structure regulated by this section, located on private property, is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this

ordinance, the Planning Official will notify the sign owner in writing. The owner must 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 Planning Official may cause the sign to be removed or repaired to make it safe, at the expense of the permittee or owner.

b. The City Clerk will 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 the costs are not paid within ten (10) days from the time of mailing of the notice, the Governing Body may proceed to pass an ordinance levying a special assessment for the cost against the subject lot or parcel of land. The City Clerk must certify the assessment to the 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.

If the Planning Official determines that any sign, advertising structure, or attention-attracting device has been located on public property, including right-of-way, the Planning Official may remove the sign, structure, or device without notice to its owner or erector. These items must be disposed of immediately by the City of Olathe.

3. Access and Right of Entry

a. The Planning Official may inspect any sign to determine whether it complies with this section. Inspections will be done at a reasonable time.

b. If the building, premises or establishment to be inspected is occupied, the Planning Official must first present proper credentials and demand entry. If the building or premises is unoccupied, he/she must 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 entry is refused, the Planning Official must have recourse as provided by law to secure entry.

c. If, after demand, entry or access is refused, the Planning Official may acquire such access by application to a court of competent jurisdiction; provided, however, that the agency complies with the provisions of Section 15 of the Kansas Bill of Rights and the Fourth Amendment to the United States Constitution relating to unreasonable searches and seizures.

C. General Standards

1. Routine Maintenance:

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

2. Minimum Setback

All signs must maintain a minimum setback of ten (10) feet from all property lines and set outside of the site distance triangle except as provided in this section.

3. Sign Placement ~~on Easement or Right-of-Way~~

a. No private sign will be placed on a public easement, unless, in the opinion of the City Engineer, the placement will not interfere with the intended use of the easement. No private sign will be placed on a public right-of-way.

b. Signs on all buildings must account for the scale, character and design of the subject building. Signs must not dominate building facades or obscure architectural features (windows, cornices, grille work, piers, pilasters, ornamental features etc.).

4. Illuminated Signs

Illuminated signs must be internally or indirectly illuminated. Neon and fluorescent tubes, ~~incandescent bulbs, fluorescent tubes, and other sources of direct illumination~~ that are exposed to the human eye are not permitted. Directly illuminated incandescent bulbs and LED tube lighting are permitted but must not be brighter than is necessary for clear and adequate visibility of the sign, or create a visual distraction, and such determination will be made by the Planning Official. Directly illuminated signs must be equipped with a dimming feature.

Signs must not display colors that change rapidly, intermittently, or in a manner that creates a flashing or distracting effect. Changes in color are permitted provided the transition occurs no more than once every 24 hours. Indirect illumination must be directed away from pedestrian walkways, and not shine into adjacent property or cause glare for motorists and pedestrians.

5. Compliance with Building Code

All signs must comply with the Building Code relating to design, structural members and connections. Signs must also comply with the provisions of the National Electrical Code and the additional construction standards set forth in this section.

6. Measurements of Signs

- a.** In determining the area of a sign, the entire sign face is included.
 - (1)** The sign face includes the advertising surface and any framing, trim, molding, cabinet, panel or any visually or architecturally distinct area enclosing the copy, logo and any other graphic component of the sign.
 - (2)** Where individual letters or graphics are used, and no distinct enclosed area is present, the sign face is the rectangle, box, circle or other regular geometric shape, or combinations thereof, enclosing the letters, logo or other graphic elements.
 - (3)** For a V-shaped sign, the sign face is the area within a line including all outer extremities, framework, or background of the cabinet or structure on which the letters, text, or symbols are mounted, but not including the sign base. For the determination of sign area square footage, the two (2) faces of the "V" configuration must be considered together for an overall square footage.
- b.** If the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, the structure or supports are included in the determination of copy area.
- c.** If a sign is composed of letters only, with no connection by the advertising structure between the letters, the copy area must 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. If one (1) letter is unequally large or small in comparison to the other letters composing the sign, the unequal letter must be squared off, the remaining letters must be measured from the outside edges, and the two (2) added for a total copy area determination.
- d.** Unless determined by the zoning district regulations, the allowable copy area of a sign will be based on one (1) side of the sign. Double-faced copy area is allowed if both

sides of the sign are parallel to one another and comply with the applicable area requirements of this section, or the sign is a V-shaped sign.

D. Standards by Sign Type

1. Monument Signs

- a. For a monument sign, the sign face is the area within a line including all outer extremities, framework, or background of the cabinet or structure on which the letters, text, or symbols are mounted, but not including the sign base.
- b. Monument signs must be built on a solid base.
- c. Monument signs may be single or double faced.
- d. Monument signs may be nonilluminated, indirectly illuminated or internally illuminated.
- e. The sign face and base must not exceed six **(6) feet** in overall **height** above the natural or average grade.
- f. The actual **sign face** must not exceed **twenty-five (25) square feet** in area per face if set back the minimum of ten (10) feet from a property line. For each additional five (5) feet of setback, the overall sign height may be increased two (2) feet and the sign face may be increased ten (10) square feet to a maximum of fifteen (15) feet in overall sign height and sixty-five (65) square feet per sign face.
- g. When a single **business or complex** is located on a site **more than five (5) acres**, one (1) of the two (2) monument signs permitted in the commercial and industrial districts may be increased to a maximum height of fifteen (15) feet and a maximum face area size of sixty-five (65) square feet, and must be set back at least fifteen (15) feet from all property lines and outside of sight distance triangles and easements.
- h. The sign base area must not exceed the actual sign face area by more than ten (10) percent. The sign face must not exceed the width of the base by more than twenty-five (25) percent.

- i. Landscaping, such as flower beds, shrubs and bushes, must be provided in an area of at least two and one-half (2½) feet around the base of the sign. The applicant must designate the area and type of plantings in the sign permit application.

2. Wall Signs

- a. For a wall sign, the sign face is the area within a line including the outer extremities of all individual mounted letters, text, or symbols attached to a wall or retaining wall. For any sign located on a wall or retaining wall that has a cabinet or background attached to the wall, then the sign face includes all outer extremities, framework or background of the cabinet or structure.
- b. Wall signs may be nonilluminated, internally illuminated or indirectly illuminated.
- c. When a wall sign is placed on a canopy and is perpendicular to the ground, all supports, braces and brackets must not be visible.
- d. The top of the sign when placed on a parapet or a canopy must not extend more than five (5) feet above the actual roofline.
- e. Wall signs must not extend more than twelve (12) inches above the top of the wall, parapet or canopy.
- f. Tenant spaces that are part of a multitenant building and face an internal parking lot with no direct wall area to a street frontage from the tenant space are allowed a wall sign to face the street frontage.

E. Signs Permitted in All Districts

The following signs are permitted in all districts and do not require a sign permit, unless otherwise noted. The signs must conform to all other regulations and ordinances of the City.

1. 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 will be considered maintenance if the name, product, service, place, activity, person, or similar elements depicted remain the same.

2. Governmental Signs

Traffic control signs and public notices, including changeable copy signs for government offices and facilities.

3. Signs during Construction Activities

In addition to any other permitted sign, a temporary freestanding, nonilluminated sign is allowed.

- a.** The sign must be located on the site of the development. If the development involves a subdivision plat for a single-family or duplex subdivision, signs during construction activities may also be located within 1,000 feet of the subdivision if the total number of on- and off-site signs does not exceed the amount prescribed in subsection [E.3.e](#), below.
- b.** The sign must not exceed eight (8) feet in height or thirty-two (32) square feet in area per face.
- c.** The sign may have two (2) faces.
- d.** The minimum setback from any property line is thirty (30) feet. For each additional setback of ten (10) feet, the face area may be increased ten (10) square feet and the height may be increased one (1) foot. The maximum face area must not exceed one hundred (100) square feet, and the maximum height must not exceed fifteen (15) feet, except as provided below.
- e.** One (1) sign during construction activities is permitted for every one thousand (1,000) feet of street frontage. If a development has more than one (1) street frontage, then a separate on-site development sign is permitted on each frontage. A maximum of three (3) on-site development signs is permitted for a development.
- f.** When a tract of property held under one (1) ownership is being developed as one (1) project and is more than one hundred (100) acres in size, one (1) of the permitted signs during construction activities may be increased in size to two hundred (200) square feet per face in area. When the development is larger than two hundred (200) acres, the sign face area of the sign during construction activities may be increased one

(1) additional square foot for every five (5) acres over two hundred (200) acres. This sign must maintain a one hundred (100) foot setback from all property lines.

g. For purposes of applying the rules for removing temporary signs (see subsection [O.7](#), below), the events to which the sign is related are considered complete when a certificate of occupancy is issued for the last building or phase.

h. A sign permit is required.

4. Real Estate Sign

a. R-1 and R-2 Districts

Real estate signs must not exceed six (6) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign must not exceed six (6) feet. A maximum of three (3) signs per lot is permitted.

b. R-3, R-4, Commercial and Industrial Districts

Real estate signs must not exceed sixteen (16) square feet in area per face with two (2) faces permitted. The sign must not exceed five (5) feet in height with a maximum twelve (12) inch gap above grade. A maximum of two (2) signs is permitted for each parcel. In addition, one (1) real estate sign, not exceeding six (6) square feet per face, with a maximum of two (2) faces permitted, and a maximum height of six (6) feet is permitted. For signs attached to the wall of a building, the sign must not exceed ten (10) percent of the wall area on which it is attached.

c. Undeveloped Land for Sale Signs

In lieu of the signs permitted in subsections [E.4.a](#) and [E.4.b](#), above, undeveloped and unplatted land over ten (10) acres in size are 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 must not exceed eight (8) feet in height.

5. Community Information Signs

a. Such signs must be part of an overall signage plan for a master planned community that includes directional signs, traffic control signs, governmental signs, identification signs, subdivision entry markers, monument signs, etc. The community information

signs must 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 master planned community. The number of signs must be kept to the minimum necessary to accomplish this purpose.

b. Each sign must not exceed twenty (20) square feet per face with two (2) faces permitted. The sign must not exceed six (6) feet in height. The minimum setback from any property line must be one (1) foot. The design of the sign may incorporate a base of materials consistent with the overall signage plan. The sign base area must not exceed the actual face area by more than ten (10) percent.

c. No advertising or promotional information is permitted on a community information sign; however, a logo used elsewhere in the master planned community may be permitted. Such sign may be nonilluminated, indirectly illuminated, or internally illuminated.

d. Such sign will be maintained by the sign owner according to the provisions of this ordinance.

e. A sign permit is required.

6. Traffic Control Signs on Private Property

Such signs must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices.

7. Signs Mounted on Interior Building Surfaces

Such as signs mounted on the inside of windows and doors except as provided in Section [18.64.105](#).

8. Directional Signs

Such signs must not exceed four (4) square feet per face with two (2) faces permitted. The sign must not exceed four (4) feet in height if freestanding. [The combined area of all directional signs applied to a window must not exceed 10% of the window area.](#)

F. Residential Districts (AG, R-1, R-2, R-3, R-4)

The following signs are permitted with a sign permit:

1. Wall Signs**a. Residential Structures**

In the R-1 and R-2 districts, one (1) nonilluminated wall sign is allowed per building, not more than one (1) square foot in area. No permit is required for these signs.

b. Public or Semi-Public Buildings

One (1) nonilluminated wall sign per building. Wall signs must not exceed ten (10) percent of the wall upon which they are placed or one hundred (100) square feet, whichever is less.

c. Legal Nonconforming Business

One (1) nonilluminated wall sign per building. Wall signs must not exceed ten (10) percent of the wall upon which they are placed.

2. Subdivision Entry Markers

Each subdivision is permitted a monument sign at the subdivision entry, and located within the platted subdivision on a platted tract. Unless otherwise stated on the final plat or final site development plan, the owner of the property on which the sign is located must maintain the monument sign.

3. Monument Signs:

a. Every building constructed for a permitted nonresidential use is permitted one (1) monument sign.

b. One (1) monument sign per multifamily complex. If the complex fronts on two (2) streets, one monument sign will be allowed on each street frontage.

4. Changeable Copy Signs

a. In lieu of permitted standard monument sign, one (1) changeable copy sign is allowed for the following permitted nonresidential uses:

- (1) Colleges, universities, professional schools and junior colleges (public or private).
 - (2) Elementary and secondary schools, public and private.
 - (3) Libraries.
 - (4) Public buildings.
 - (5) Government offices and facilities.
 - (6) Similar uses as allowed by interpretation of the Planning Official.
- b. Permits are not required for replacing or altering changeable copy on these signs.
 - c. Changeable copy signs must comply with the standards for monument signs (see subsection [D.1](#), above).
 - d. Electronic message boards are prohibited.

G. Mixed Use (N, TOD) and Planned (PD, PR) Districts

1. Due to the nature of the **planned development** district, sign standards and regulations may be established or modified as part of rezoning application and development plans.
2. The following signs are permitted in a **Mixed Residential** Area of an **N** district with a sign permit:
 - a. A sign may be a wall sign, an awning sign, projecting sign, or under canopy sign.
 - b. A single-family or two-family dwelling may have one (1) nonilluminated wall sign per building, not more than one (1) square foot in area, indicating a permitted home occupation.
 - c. A townhouse, condominium or multifamily building may have not more than two (2) signs with a total sign area of not more than eight (8) square feet.
 - d. A commercial building may have not more than two (2) signs with a total sign area of not more than twelve (12) square feet.

e. Neighborhood Entry Markers

Each neighborhood is allowed a monument sign at the entry.

f. Internal illumination of signs is prohibited.

3. The following signs are permitted in a **Center Area, Civic Uses or Civic Spaces** of an N district with a sign permit:

a. A sign may be a wall sign, an awning sign, projecting sign, under canopy sign, or monument sign.

b. A **building** may have up to five (5) signs with a total sign area of up to five (5) percent or thirty (30) square feet (whichever is less) per street-facing elevation.

c. No **internally illuminated** sign may be located on any wall of a nonresidential building facing a residential building.

d. A **projecting sign** is permitted a maximum of two (2) sign faces. The sign must not extend more than three (3) feet from the face of the building and must maintain not less than eight (8) feet clearance between the bottom of the sign and the finished grade.

e. Under Canopy Signs

In buildings with three (3) or more tenants, one (1) under canopy sign per business is permitted in addition to the signs described in this section. Under canopy signs must not exceed two (2) square feet in area.

f. Wall and Under Canopy Signs

In buildings with three (3) or more tenants, wall and under canopy signs must be similar in color, materials and lighting. These signs must be incorporated into the design of the area.

4. Supportive Uses in an N district are subject to subsection [G.3](#), above. In addition, if the lot or parcel has a freestanding canopy, the following additional signs are allowed:

a. Up to two (2) double-faced signs, which may be mounted on a freestanding canopy or may be projecting signs, under canopy signs, or monument signs.

- b.** The sign(s) may be nonilluminated, internally illuminated or indirectly illuminated.
- c.** The sign(s) must not exceed eighteen (18) square feet per face, with two (2) faces permitted.
- d.** The maximum height of the signs, if not located on canopy supports, must not exceed ten (10) feet.
- e.** The sign(s) must not be placed closer to the public right-of-way than the closest freestanding canopy.

H. Commercial/Office Districts (O, C-1, and BP)

The following signs are permitted in the O, C-1 and BP districts with a sign permit:

1. Wall Signs

- a.** Each freestanding building is permitted not more than two (2) wall signs, limited to one (1) per wall. The area of the wall sign must not exceed ten (10) percent of the area of the wall upon which it is mounted.
- b.** If a business is part of a multitenant complex, each tenant will be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection [P.8](#), below.

2. Monument Signs

- a.** One (1) monument sign is permitted for each freestanding building housing one (1) tenant or each complex.
- b.** In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, a second monument sign is permitted on the additional street frontage.
- c.** If a single business or complex is located on a site more than **five (5) acres** in size, one (1) of the two (2) monument signs may be increased to a maximum height of fifteen (15) feet and a maximum face area size of sixty-five (65) square feet. For each additional five (5) feet of setback (from the minimum required), the overall sign height

may be increased two (2) feet in height and the sign area may be increased ten (10) square feet to a maximum of twenty-one (21) feet in overall sign height and a maximum face area size of ninety-five (95) square feet.

d. On a site of more than **twenty (20) acres**, signage may be allowed up to twenty-five (25) feet in height and a maximum sign face of one hundred (100) square feet. Both of the two (2) monument signs permitted may be increased up to a maximum height of thirty (30) feet and a maximum face area size of one hundred fifty (150) square feet with Governing Body approval. The increased monument signs must be set back at least fifteen (15) feet from all property lines and outside of sight distance triangles and easements (refer to Section [18.30.220](#)).

3. Projecting Signs

In lieu of one (1) of the above permitted wall signs, one (1) projecting sign is permitted. The projecting sign must not exceed twelve (12) square feet in area with a maximum of two (2) faces. The sign must not extend more than three (3) feet from the face of the building.

4. Under Canopy Signs

In complexes with three (3) or more tenants, under canopy signs are permitted in addition to the signage described above. One (1) under canopy sign is permitted for each business. Under canopy signs must not exceed two (2) square feet in area.

5. Wall and Under Canopy Signs

In complexes with three (3) or more tenants, wall and under canopy signs must be similar in color, materials and lighting. These signs must be incorporated into the design of the complex.

6. Additional Sign

This subsection is designed to accommodate additional messages normally used by businesses in lower intensity commercial and office districts, such as time and temperature displays and the name of the complex or business that owns the sign. In addition to permitted monument signs, one (1) additional monument, wall, or projecting sign may be permitted for a complex or a business in a freestanding building subject to approval by the Planning

Commission and Governing Body. Size, height and setback requirements are the same as for monument signs.

7. Restaurants

This subsection is designed to accommodate additional messages normally used by sit-down restaurants, such as menus. In addition to the signs permitted above, restaurants with table service are allowed a menu board. These signs are not included in the calculation of maximum sign area for the building or tenant space.

- a. The menu board must be located adjacent to the entry. Attaching a sign to the exterior of a box is prohibited.
- b. These signs must not exceed four (4) square feet, including all framework.
- c. These signs are prohibited for drive-in and drive-through restaurants.

I. Commercial Districts C-2, C-3, C-4

The following signs are permitted in the C-2, C-3 and C-4 districts with a sign permit:

1. Wall Signs

- a. Each freestanding building is permitted up to three (3) wall signs. These signs are limited to one (1) per wall and must not exceed ten (10) percent of the total area of the wall upon which it is placed. Each exterior wall must be common to the interior business space.
- b. If a business is part of a multitenant building or complex, each tenant is allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed and must be common to the interior business space. Corner tenant spaces are allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection [P.8](#), below.

2. Monument Signs

Same as subsection [H](#), above.

3. Projecting Signs

Same as subsection [H](#), above.

4. Awning Signs

In addition to a wall sign or a projecting sign, an awning sign is permitted.

- a.** Awning graphic must comprise no more than thirty (30) percent of the total exterior surface of an awning or canopy. If side panels are provided, they must not carry signs greater than twenty (20) percent of the area of the awning panel.
- b.** Text on awnings is not allowed.
- c.** Awnings must be permanently mounted on the wood or metal framing within a door or window opening, not on the wall surrounding the opening. The minimum height for awnings must be eight (8) feet from the lowest point to the sidewalk. Awnings must not extend more than four (4) feet from the building face.
- d.** Awning signs are not allowed above the ground floor. Awnings without signs may be allowed above the ground floor if they complement the architecture.
- e.** Awnings must not be a continuous feature extending over masonry piers or arches but designed to project over individual window and door openings.
- f.** Internally lit or back-lit graphics awnings are not permitted.
- g.** Standard residential aluminum awnings are not allowed. Awnings must be composed of noncombustible acrylic fabric.

5. Under Canopy Signs

Same as subsection [H](#), above.

6. Wall and Under Canopy Signs

Same as subsection [H](#), above.

7. Additional Sign

Same as subsection [H](#), above.

8. Restaurant Menu Signs

Same as permitted in subsection [H](#), above.

9. Drive-Through Restaurants

To accommodate additional messages normally used by drive-through restaurants, such as menus, the following apply to eating places:

- a. Each drive-through or drive-in restaurant is permitted signs in addition to those described above.
 - (1) The additional sign is limited to one (1) freestanding or wall menu board per lane.
 - (2) The sign must 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 sign, the trim, the base and other appurtenances.
 - (3) These signs may be nonilluminated, or illuminated.
 - (4) The preview board must be built on a solid base that is at least seventy-five (75) percent of the width of the sign face.
 - (5) The signs must be located along the sides or rear of the building.
 - (6) If the sign is visible from a public street, additional landscaping and/or fencing is required to screen the menu board from view from the public street.
- b. 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 must not exceed four (4) square feet in surface area per face.
- c. In addition to the allowed menu board, one (1) preview board is permitted per drive-through lane and must be located in the lane. The preview board must not exceed six (6) feet in height or fifteen (15) square feet in total surface area. It must be constructed to match the structure of the associated menu board and may be nonilluminated or illuminated. The preview board must be built on a solid base that is at least seventy-five (75) percent of the width of the sign face. The preview board must be located along the sides or rear of the building, and set away from the menu-board

by at least fifteen (15) feet. Whenever a preview board is visible from a public street, additional landscaping and/or fencing must be used in order to screen the preview board from view of the public street.

10. Automatic Car Wash

This section accommodates customary information provided by car washes about services offered. Each automatic car wash (conveyor type, longer than fifty [50] feet) is permitted signs in addition to those described in subsections [1.9.a\(1\)](#) through [1.9.a\(6\)](#), above. The additional signs are limited to one (1) freestanding or wall sign. The sign must not exceed five (5) feet in height, nor must it exceed twenty (20) square feet of surface area per face. The board may have two (2) faces. The signs must be nonilluminated, or indirectly illuminated. The signs must be located along the front, side or rear of the building. However, if the board is located in front of the building, sufficient fencing and/or landscaping must be provided to screen the board from view from public streets, alleys or other public property.

11. Freestanding Canopy Signs

Signs may be placed on freestanding canopies if they meet the requirements for wall signs for buildings. Only the fascia of the canopy upon which the sign is placed must be used for determining the size of the sign.

12. Convenience Stores with Gasoline Sales, or Gas Stations

This subsection accommodates information customarily provided by these establishments about the price of gasoline sold and/or the nature of services offered on the premises. These uses are permitted up to two (2) double-faced signs. The sign(s) may be nonilluminated, internally illuminated or indirectly illuminated. The sign(s) must 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, must not exceed ten (10) feet. These signs are instead of standard monument signs.

13. Theater Signs

A movie theater may have an attraction panel based on the following criteria:

a. Modules

A movie theater, drive-in theater, or performing arts theater may have one (1) module per screen or stage, plus one (1) additional module. The module must not exceed eighteen (18) square feet. A module is that portion of the sign, including trim, customarily used to display the title of a movie.

b. Area and Number

The total surface area of a sign face must not exceed one hundred sixty-two (162) square feet per face. A maximum of two (2) faces is permitted.

c. Setback

A minimum of thirty (30) feet from a street right-of-way is required.

d. Height

The maximum height of the sign must not exceed fifteen (15) feet from average grade level.

e. Changeable Copy

Movie theater signs may have changeable copy. Permits are not required for replacing or altering changeable copy on existing movie theater signs.

J. Districts M-1, M-2 and MP-3

The following signs are permitted with a sign permit:

1. Wall Signs

a. Each freestanding industrial establishment or building is permitted not more than three (3) wall signs. The signs will be limited to one (1) per wall and must not exceed ten (10) percent of the total area of the wall upon which they are placed or two hundred (200) square feet, whichever is less.

b. If a business is part of a multitenant complex, each tenant must be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed. Signs facing the rear of the building are prohibited except as defined in subsection [P.8](#), below.

2. Monument Signs

Same as subsection [H](#), above.

3. Convenience Stores with Gasoline Sales, or Gas Stations

Same as subsection [I](#), above.

4. Freestanding Canopy Signs

Same as subsection [I](#), above.

5. Awning Signs

Same as subsection [I](#), above.

K. Downtown (D) District

Signs on all buildings in the Downtown (D) District must account for the scale, character and design of the subject building and its surrounding context. Materials, design and workmanship must be of high quality in appearance and character and complementary to the building. The signage must convey a sense of permanence and durability.

Signs located on historically listed or eligible properties will be reviewed by the secretary of the Historic Preservation Board for appropriateness.

Cumulative Sign Area

The total area cumulative of all sign faces on a tenant façade must not exceed 15% of that façade area. The following sign types must be included as part of the maximum area allowed: Wall, Painted Wall, Projecting, Awning, Over Canopy, and Window Signs. Under Canopy signs, "A" Frames and Menu Boards are not included in the maximum sign area calculation.

The following signs are permitted in the Downtown (D) district with a sign permit, except where permit exemptions are specifically written:

1. Wall Signs

~~Same as permitted in subsection [G](#), above, in addition to the following standards:~~

~~a. If a business is part of a multitenant complex, Each freestanding building with one tenant is permitted not more than three (3) wall signs, limited to one (1) per wall. The wall sign must not exceed ten (10) percent of the wall upon which it is mounted.~~

b. For multitenant buildings, each tenant is allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed and must be common to the interior business space. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the tenant wall area upon which it is placed. One building identification sign is permitted and must not exceed ten (10) percent of the wall upon which it is mounted.

~~cb.~~ Wall signs must be integrated with the architecture of the building and mounted in locations that respect the design of the building, including the arrangement of bays and openings. Signs must not obscure windows, cornices, grille work, piers, pilasters, and ornamental features.

~~c. Lighted wall signs must not be located at the top of the building's façade if the façade is higher than two (2) stories and must not directly face a residential neighborhood.~~

d. Wall signs are limited to the ground floor of the structure except for building identification signs. Wall signs located on the side wall of a building that faces a side property line, alley, or parking area (including a side property line along a street), must not be lighted above the ground floor, except for building identification signs. Lighted wall signs must not directly face property zoned or used for residential purposes.

e. One (1) wall sign located on the rear of the building is allowed provided it is adjacent to public right-of-way. Signs must be nonilluminated and are limited to ten (10) percent of the wall area or tenant space upon which they are placed.

2. Painted Wall Signs

Painted wall signs are permitted in the Downtown Core only.

a. Each single-tenant building is permitted up to two (2) painted wall signs, limited to one (1) per wall. Painted wall signs must be no greater than ten (10) percent of the wall area on which it is placed.

b. For multitenant buildings, each tenant is allowed one (1) painted wall sign and must be common to the interior business space. Painted wall signs must be no greater than ten (10) percent of the tenant wall area upon which the sign is placed.

c. Painted signs must be maintained in good repair and be free from peeling, fading or other damage.

d. Artistic murals or art installations with no commercial or non-commercial message do not count toward the permissible sign area.

32. Projecting Signs

~~In lieu of a wall sign or an awning sign, o~~One (1) projecting sign per tenant or per single-tenant building in a multitenant building is permitted and may consist of no more than two sign faces.

a. Projecting signs must not be closer than fifty (50) feet apart, and no more than three (3) for every three hundred (300) feet of street frontage.

~~b. Projecting signs must be oriented to pedestrians passing on the sidewalk in front of the buildings rather than to automobiles or pedestrians on the far side of the street, and must not be located above the ground floor.~~

~~b.~~c. Projecting signs must not exceed twelve (12) square feet per sign face if perpendicular to the building, and must provide a vertical clearance of eight (8) ten (10) feet along pedestrian areas. Radial projecting signs mounted on building corners are only permitted in the Downtown Core and must not exceed 24 square feet per sign face.

cd. Projecting signs must not be mounted above the third story and may not extend above the roof line or the parapet wall. Projecting signs must be mounted in locations that are compatible with the building design, including the arrangement of bays and openings. Signs must not obscure windows, grille work, piers, pilasters, and ornamental features.

~~d.~~e. Projecting signs may~~ust be internally or indirectly illuminated or nonilluminated.~~Signs that use blinking or flashing lights are prohibited.

e. Projection must not extend more than 3 feet from the face of the building. Projection may extend into the right-of-way but must maintain a minimum of 2 feet from the face of curb to the sign and 15 feet from street lights, power lines and power poles. The sign must not impede the visibility of traffic control devices.



Example Projecting Sign

43. Awning Signs

~~In addition to a wall sign or a projecting sign, an awning sign is permitted.~~

- a.** Sign copy must comprise no more than thirty (30) percent of the total exterior surface of an awning ~~or canopy~~. If side panels are provided, they must not carry signs greater than twenty (20) percent of the area of the awning panel.
- b.** Text on awning valences must not exceed eight (8) inches high. A valence drop length must not exceed twelve (12) inches.
- c.** Awnings must be permanently mounted on the wood or metal framing within a door or window opening, not on the wall surrounding the opening. The minimum height for awnings must be eight (8) feet from the lowest point to the sidewalk. Awnings must not extend more than four (4) feet from the building face.
- d.** Awning signs are not allowed above the ground floor. Awnings without signs may be allowed above the ground floor if they complement the architecture.
- e.** Awnings must not be a continuous feature extending over masonry piers or arches but designed to project over individual window and door openings.
- f.** Internally lit or back-lit graphics awnings are not permitted.

- g.** Standard residential aluminum awnings are not allowed. Awnings must be composed of noncombustible acrylic fabric.

5. Canopy Signs

a. Canopy Signs must consist of individual letters, with or without a sign backer, placed on the face of the canopy/marquee, or above the canopy/marquee.

b. Canopy signs are limited to 200 percent of the height of the vertical dimension of the marquee, or a maximum of 30 inches, whichever is less.

For example, if the vertical dimension of the marquee is 12 inches, the letters may be up to 24 inches high (including all mounting hardware).

c. Canopy sign width is limited to two-thirds of individual marquee width dimension or no more than 20 feet, whichever is less.

d. Canopy signs may be illuminated or nonilluminated.



Example Canopy Sign

6. Under Canopy Signs

a. One under canopy sign is permitted per primary business entrance in addition to the signs described in this section.

b. Under canopy signs must not exceed 6 square feet and must be nonilluminated or indirectly illuminated.

c. A vertical clearance of ten (10) feet must be maintained over pedestrian areas.



Example Under Canopy Sign

74. Window Signs

~~In addition to a wall sign or projecting sign, but not an awning sign, one (1) window sign is permitted.~~

- a. No more than one (1) permanent window sign is allowed per window.
- b. Window signs must not exceed ten (10) percent of the window area so that visibility into and out of the window is not obscured, except that window signs may be as large as twenty (20) percent of each window area if no wall sign is provided.
- c. Sign copy must not exceed eight (8) inches in height, and must be applied directly to the interior face of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.
- d. Window signs on glazing must be either silk screened, back painted, metal leafed, or sandblasted onto the glass. Vinyl lettering is not allowed.
- e. Neon / LED tube and ~~scrolling marquee~~ signs displayed on the interior surface of a window constitute a permanent window sign within the Downtown Core and Downtown Santa Fe Corridor areas only. One (1) neon / LED tube sign is permitted per business façade, and must not exceed twenty-five (25) percent of the total glass area of the window. Scrolling marquee signs are not permitted.

58. "A" Frame Signs

~~In addition to wall signs, projecting signs, or awning signs, "A" frame signs are permitted.~~

"A" frame signs are permitted in the Downtown Core only and do not require approval of a sign permit.

- a. The maximum sign area for an "A" frame sign is eight (8) square feet.
- b. The maximum overall height is four (4) feet tall.
- c. "A" frame signs must not be permanently affixed to any object, structure, or the ground.
- d. Each tenant in a multitenant complex or building is limited to one (1) "A" frame sign, located on private property or within the public right-of-way adjacent to the tenant space, provided the sign does not interfere with vehicle access, pedestrian movement or wheelchair access to, through, and around the site. A minimum access width of five (5) feet should be maintained along all sidewalks and building entrances accessible to the public.
- e. "A" frame signs must be used only during regular business hours and must be removed during nonbusiness hours.

96. Menu Boards

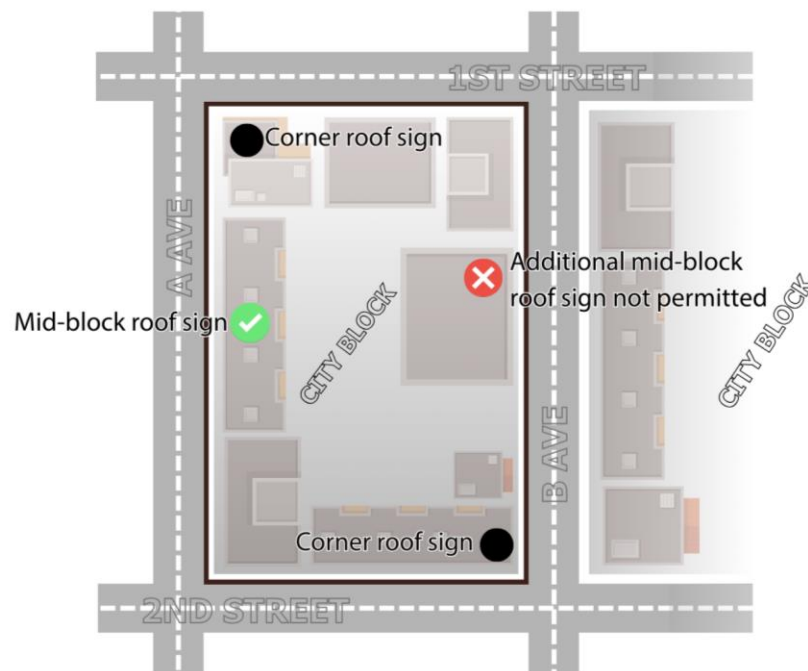
In addition to the signs permitted above, a restaurant with table service is allowed a menu board. Restaurant menu signs are not included in the calculation of maximum sign area for the building or tenant space and do not require approval of a sign permit.

- a. Menu boards must be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping a sign to a box is prohibited.
- b. Menu boards must not exceed an area of six (6) square feet, including all framework.

10. Roof Signs

Roof signs are permitted in the Downtown Core only. Roof signs are limited to buildings placed at the corner of two intersecting streets (excluding alleyways and not setback

greater than 20 feet from either property line), and one additional mid-block roof sign is permitted per City block, as illustrated below:



Permitted Roof Sign Locations

Roof signs must comply with the following:

- a. Roof signs are limited to flat roofs, not including mansard roofs, on buildings three stories or less in height.
- b. Roof signs may contain no more than one sign face and only one roof sign is permitted per building. The sign must face a public street.
- c. Roof sign face area must not exceed ten (10) percent of the façade area to which it is parallel, or a maximum of 100 square feet, whichever is less. If angled, sign measurements will be based on the facade with the least square footage.
- d. Roof signs must consist of individual channel letters and/or logo mounted individually or on a sign backer and must be internally, directly, or non-illuminated. Box signs, in which the entire sign surface is illuminated, are not permitted.
- e. Signs that use blinking or flashing lights are prohibited.
- f. The overall sign height, including structural supports, must not extend more than 5 feet from the top of the roof line of a flat-roofed building, or the nearest parapet

wall, whichever is greater. Structural supports must be designed to minimize visual impact and remain as unobtrusive as possible.
g. The supporting structure for the roof sign must comply with all applicable engineering and Building Code requirements.

L. Billboard Regulations

Purpose: This section allows nonconforming billboards to continue until they are removed under the terms of this ordinance. No new billboards may be constructed in any zoning district.

1. Billboards 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. All existing billboards, in any zoning district, are declared nonconforming.
2. This section supersedes and controls over any conflicting provision in this chapter.
3. Billboards now in existence in any zone are declared legal nonconforming uses, and may remain, subject to the following restrictions:

a. Sign Permit Required

All existing legal nonconforming billboards are required to renew the sign permit every three (3) years. The Planning Official will inspect all legal nonconforming billboards upon receipt of a renewal application to determine full compliance with the provisions of the Unified Development Ordinance. The Planning Official will approve or deny the sign renewal application no later than thirty (30) days following the date of its submission. When a renewal is denied by the Planning Official, written notice of the denial must be given to the applicant, together with a brief written statement of the reasons for the denial. Permits are not required for replacing or altering content on existing billboards.

b. Alterations of Nonconforming Billboards

A legal nonconforming billboard may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces, the addition of digital faces, adding additional illumination or the addition of rotating faces with

moveable panels designed to create additional advertising. Structural alterations mean alterations to, including replacement of, either the billboard face or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the billboard is not considered a structural alteration.

c. Replacement, Restoration or Reconstruction

Any legal nonconforming billboard which remains damaged or in 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 must not be replaced, restored or reconstructed.

d. Repairs and Maintenance

All legal nonconforming billboards must be kept in good repair and maintained in a neat, clean, attractive and safe condition. Routine repairs and maintenance of nonconforming billboards necessary to maintain health and safety may be permitted. Said repairs and maintenance must include such activities as painting and the replacement of a damaged or deteriorated sign face. A billboard owner will be prohibited from repairing or replacing a legal nonconforming billboard which is in disrepair in excess of fifty (50) percent of its replacement cost. An exception is made for those billboards which were destroyed by vandalism or other criminal or tortuous acts. Any legal nonconforming billboard which remains damaged or in 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 must not be replaced, restored or reconstructed.

e. Failure to Comply

Failure to comply with any applicable restrictions or performance standards of this ordinance may result in the revocation of the sign permit and removal of both the billboard sign face and its structure.

4. Any one (1) faced billboard that has remained vacant for a period of three (3) months or more will be deemed to have been abandoned and must result in the revocation of the sign permit and removal of the billboard. Any two (2) faced billboard that has both sides vacant for a period of three (3) months or more will be deemed to have been abandoned

and must result in the revocation of the sign permit and removal of the billboard. This regulation does not apply if only one face of a two (2) faced billboard is vacant.

M. Highway Signs

In addition to other signs permitted by this ordinance, highway signs are permitted for freestanding businesses (not part of a complex) having a minimum of fifty (50) percent of its site within eight hundred (800) feet of the centerline, or five hundred (500) feet of the right-of-way (whichever is less) of I-35 or K-10 highway. Highway signs must comply with monument sign criteria with the following exceptions:

1. The width of the base of the sign must not be less than twenty (20) percent of the width of the sign face nor more than sixty (60) percent of the width of the sign face.
2. The height of the sign must not exceed thirty (30) feet in overall height above the natural or average grade.
3. The area per face of a highway sign must not exceed two hundred (200) square feet. A maximum of two (2) faces is permitted.
4. Landscaping, such as flowering trees, shrubs and bushes, must be provided around the base of the sign as approved.
5. Highway signs must not be closer than thirty (30) feet to all property lines or located within any easement.
6. Reader boards will not be permitted.

N. Special Permit Uses

Sign regulations for special permit uses are as follows:

1. For those special permit uses that are located in agricultural and residential districts, signs are permitted under the provisions of subsections [E](#) and [F](#), above, or as set forth for that use in this chapter.
2. For those special permit uses that are located in commercial districts, signs are permitted under the provisions of subsections [E](#), [H](#) and [I](#), above, or as set forth for that use in this chapter.

3. For those special permit uses that are located in industrial districts, signs are permitted under the provisions of subsections [E](#) or [J](#), above, or as set forth for that use in this chapter.

4. Signs permitted in conjunction with special use permits:

a. In the case of special use permit uses, all wall and detached signs must be approved by the Planning Commission, except where private sign criteria have been previously approved for the development.

b. In reviewing and approving those signs, the Planning Commission will consider: (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.

5. Private Sign Criteria

All hotels, motor hotels, shopping centers, business parks, office parks or industrial parks must prepare a set of sign criteria which will be approved as part of a planned district zoning by the Planning Commission and/or Governing Body for all exterior signs in the development. The criteria are 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 must be set out in such criteria. In all respects, the criteria must be within the regulations set out in this code and must 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) will not be approved until the Planning Commission has approved the sign criteria. No sign permit will 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" 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.

O. Temporary Signs

Findings: The Governing Body finds that temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. In the case of certain noncommercial messages, temporary signs may provide the only effective and economically viable avenue of communication. However, if left completely unregulated, the proliferation of temporary signs constructed of nondurable materials could become a threat to public safety as a traffic hazard and a detriment to property values and the City's overall public welfare as an aesthetic nuisance. In order to accommodate legitimate needs of residents and landowners for temporary signs without compromising the City's interest in traffic safety, aesthetics and preservation of property values, temporary signs may be posted on property in the City, subject to the following requirements and those applicable provisions stated elsewhere in this chapter.

1. General Requirements Applicable to All Temporary Signs

- a.** No temporary sign will 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. In all cases such signs must be placed outside the sight distance triangle.
- b.** Temporary signs must be designed, constructed or mounted so as to be reasonably stable under all weather conditions, including high winds.
- c.** No temporary sign will be illuminated or painted with light-reflecting paint.
- d.** Temporary signs must only be posted with the consent of the property owner or occupant.
- e.** Except where more stringent time limitations are imposed elsewhere in this section, a temporary sign may be posted for a period of up to sixty (60) days within the calendar year, at which time the sign must be removed or replaced.
- f.** Temporary signs must be removed no later than five (5) days after the events to which the sign is related. Examples of the end of an event include the sale or occupancy of a property, the conclusion of the sale or event, or an election.
- g.** No temporary sign will advertise or promote any commercial enterprise or event not conducted on the same building lot.

2. Temporary Signs in District AG and Residential Districts

a. AG, R-1, and R-2 Districts

In addition to other signs permitted by this chapter, in Districts AG and R-1 and R-2, a maximum of two (2) temporary signs may be displayed at any time.

(1) These signs must be yard signs and the total surface area of each sign face must not exceed six (6) square feet per face and six (6) feet in height. A maximum of two (2) sign faces are permitted for each yard sign.

(2) **Garage sale signs** may only be placed at the site of the sale. Garage sale signs include sample and yard sale signs. Such signs must not exceed four (4) square feet per sign, with two (2) faces per sign permitted. No permit is required for these signs.

b. R-3 and R-4 Districts

In addition to other signs permitted by this chapter, in multifamily districts a maximum of three (3) temporary signs may be displayed at any time.

(1) Yard Signs

(a) The total surface area of each yard sign must not exceed sixteen (16) square feet per face and must not exceed five (5) feet in height with a maximum twelve (12) inch gap above grade. A maximum of two (2) sign faces is permitted for each sign and a maximum of two (2) signs is permitted.

(b) In addition to signs permitted in subsection [O.2.b\(1\)\(a\)](#), above, one (1) sign not exceeding six (6) square feet per face with a maximum of two (2) faces and a maximum height of six (6) feet is permitted.

(2) Wall Signs

Temporary wall signs are permitted and must not exceed ten (10) percent of the total area of the wall upon which the sign is mounted. No more than one (1) temporary wall sign is permitted on any one (1) building or structure. All wall signs must be mounted on a solid wall and must not extend over decks, railings, outdoor patios, doorways, or windows.

(3) Special Real Estate Signs

Special real estate events must be allowed the use of pennants or flags under the following conditions:

- (a)** In conjunction with area-wide tour events.
- (b)** The opening of a new subdivision or the new phase of an existing subdivision. In this instance, pennants and business flags are permitted for one (1) fifteen (15) day period every six (6) months.
- (c)** 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, up to sixty (60) days in a calendar year.
- (d)** No fee is required for these signs.

3. Temporary Signs in Commercial Districts and Industrial Districts

- a.** One (1) sign per street frontage or building.
- b.** For a wall-mounted temporary banner, the maximum size must be no larger than that permitted for permanent wall signs.
- c.** Temporary signs are permitted to be displayed a maximum of four (4) thirty (30) day periods per calendar year. In no case will a thirty (30) day period be carried over from month-to-month.
- d.** Temporary freestanding signs must be set back a minimum of ten (10) feet from any property line and must not exceed ten (10) feet in height, measured at grade, with a sign face no greater than thirty-two (32) square feet. No temporary freestanding sign will be placed in a sight distance triangle as defined by Section [18.30.220](#). A permit is required for these signs.
- e.** Inflatable devices up to thirty (30) feet in height are permitted, except on roofs, for two (2) thirty (30) day periods per calendar year. In no case will a thirty (30) day period be carried over from month-to-month consecutively.
- f.** Searchlights are permitted from dusk to midnight.

g. Balloons attached to stakes must be permitted with a temporary sign permit.

4. Nonresidential uses in residential areas may follow the temporary sign regulations as set forth in subsection [O.3](#), above, but inflatable devices and searchlights are prohibited.

5. Temporary special events, such as civic club events, school activities, etc., or temporary sales and events approved per Section [18.50.225](#) are permitted to have temporary signs, banners, flags or pennants, after a sign permit is obtained. No fee is required for these signs.

6. Real Estate Sign

a. Single-Family and Two-Family Districts

Real estate signs must not exceed six (6) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign must not exceed six (6) feet. A maximum of three (3) signs per lot are permitted.

b. Multifamily, Commercial and Industrial Districts

A maximum of two (2) signs are permitted for each parcel.

(1) Freestanding Signs

Real estate signs must not exceed sixteen (16) square feet in area per face with two (2) faces permitted. The sign must not exceed five (5) feet in height with a maximum twelve (12) inch gap above grade. 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 is permitted.

(2) Signs attached to the wall of the building must not exceed ten (10) percent of the wall area upon which it is placed. A maximum of two (2) wall signs is permitted.

c. Undeveloped Land for Sale Signs

In lieu of the signs permitted in subsections [O.6.a](#) and [O.6.b](#), above, undeveloped and unplatted land over ten (10) acres in size are 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 must not exceed eight (8) feet in height.

(1) V-Shaped Signs

Such signs must not exceed thirty-two (32) square feet in total area and must not exceed eight (8) feet in height measured at grade. A maximum of one (1) sign for each parcel is permitted.

7. Removal or Replacement

- 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 this section.
- b.** If that person does not remove or replace the temporary sign in accordance with this section, then the property owner or occupant of the building lot where the sign is posted is responsible for the sign's removal or replacement.
- c.** The Planning Official is authorized to remove any temporary signs posted in violation of this chapter that are not removed or replaced in accordance with the provision above. Temporary signs posted on private property in violation of this section are deemed a public nuisance, and the Planning Official may abate that nuisance in accordance with subsection [S](#), below.
- d.** The Planning Official may immediately remove temporary signs posted on public property or rights-of-way in violation of this chapter.

P. Prohibited Signs and Devices

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

- 1.** 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.
- 2.** 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.

Electronic/video screen signs will not be permitted. ~~Exterior neon lighting, illuminated banding or other types of lighting that create a glow is prohibited unless it is approved by the Planning Commission as part of an overall theme for the development area.~~

3. Erect or alter any sign as defined in the Unified Development Ordinance, or make use of a living sign displaying a commercial message, without first obtaining a sign permit in accordance with the requirements of, and procedures set forth in, the Unified Development Ordinance.

4. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient, within the meaning of K.S.A. [21-4301](#), as amended.

5. 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.

6. Any sign or advertising structure erected on City of Olathe property or other governmental property other than signs erected by said governmental entity for public purposes.

7. 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.

8. Signs are prohibited on the rear of a building, except for the following:

a. A sign located on a rear exit door. The sign must not exceed six (6) inch nonilluminated letters painted, printed, stenciled or attached to the face of the rear door and covering no greater than twenty (20) percent of that door.

b. Where the rear of a commercial building is oriented toward street right-of-way or an internal shopping center access drive, a wall sign in accordance with subsections [H](#) and [I](#), above, are permitted on the rear wall of the building only if that building façade is architecturally designed to resemble the principal or front façade of the building by including similar architectural features such as windows, doors, awnings, building

materials, and similar elements. The rear of a building is that side of a building opposite from the principal or main entrance to a building.

c. In the Downtown (D) district, subject to the standards established in subsection [K](#), above.

9. "A" frame sign (except in the Downtown (D) district).
10. Attention-attracting devices.
11. Abandoned signs.
12. Off-site signs (except billboards or where specifically allowed by this chapter).
13. Portable sign, excluding real estate signs.
14. Roof signs [\(except in the Downtown Core district\)](#).
15. Snipe signs, except warning signs posted by public utility companies.
16. Temporary signs, except as permitted by subsection [O](#), above.
17. Vehicular signs, except that sign copy painted on a motor vehicle or semi-trailer normally in motion during use will not be considered a vehicular sign when moved at least one (1) time during a seventy-two (72) hour period.
18. Yard signs, except as permitted temporary signs.
19. Painted wall signs which are painted directly on the wall of a building or surface [\(except in the Downtown Core district\)](#), ~~except that~~ signs painted on a window in a commercial zoning district (as part of the permitted wall sign) are permitted.
20. Directly illuminated signs, except to the extent specifically authorized in this chapter.
21. Any sign not specifically, or by reasonable implication, permitted in this section.
22. Barrel-type awnings signs.
23. Standard residential type aluminum awnings.

Q. Sign Maintenance

1. Any sign or advertising structure erected or installed under the provisions of this section must be maintained in a safe, functional and sound structural condition at all times. General maintenance of said sign must 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 must be kept painted or treated in some manner to prevent rust, decay or deterioration.
2. If any sign, which is placed in a public easement, is damaged due to maintenance of utilities in that easement by the City or others, the cost for repairs or replacement of said sign must be borne by the sign owner.

R. Abandoned Signs

1. 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 more, or any sign which pertains to a time, event, or purpose which no longer applies, will be deemed to have been abandoned. An abandoned sign is prohibited and must 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 must be restored to its normal appearance. Removal of a monument or highway sign must 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.
2. If after the three (3) month time period has elapsed and the sign has not been removed, the Planning Official will notify, in writing, the property owner of record that the sign must 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 Planning Official may have the sign removed and the associated costs assessed to the property.
3. The City Clerk will 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 will proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land. The City Clerk will certify such assessment to

the 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.

S. 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.

1. “Nonconforming sign.” A sign that, on the effective date of this ordinance, does not conform to one (1) or more of the regulations set forth in this chapter.

2. Alterations of Nonconforming Signs

No nonconforming sign or advertising structure must 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.

3. Replacement, Restoration or Reconstruction

If 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 the Unified Development Ordinance. Any nonconforming sign which remains damaged or disrepaired, 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, must not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

4. Repairs and Maintenance

Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. These repairs and maintenance include activities such as painting and the replacement of a damaged or deteriorated sign face. The cost of the

repairs and maintenance must not exceed fifty (50) percent of the value of the sign which is to be repaired or maintained. The value must be that which is current at the time of the repair or maintenance. Prior to the repair and maintenance taking place, the Code Enforcement Department will be consulted to determine if a sign permit is necessary. If the determination is made, then all applicable work performed must be accomplished through the issuance of a valid sign permit as required by this ordinance.

5. Termination of Nonconforming Signs

Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory, the tenant or property owner must remove all nonconforming signs, supports and structures upon the building or property upon which the use was located.

T. Nonconforming Signs

1. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this title may be continued.
2. No nonconforming sign may be altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may be altered to bring the sign into complete conformity with this section.
4. Subject to the other provisions of this section, nonconforming signs may be maintained.
5. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign will be deemed abandoned and must be removed within thirty (30) days after abandonment by the sign owner, owner of the property where the sign is located, or other person having control over the sign.
6. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard will be deemed abandoned and must, within thirty (30) days after abandonment, be altered to comply with this section or be removed by the sign owner or owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

- a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
- b. The advertising message it displays becomes illegible in whole or substantial part; or
- c. The advertising copy paid for by a person other than the sign owner or promoting an interest other than the rental of the sign has been removed.

U. 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 must conform and comply with such requirements forthwith. All signs which will hereafter be constructed or erected in violation of the provisions of this ordinance must be declared public nuisance, and must be removed and abated in the manner provided by law.

V. Noncommercial Messages

Any commercial sign permitted under this chapter is allowed to contain noncommercial speech in lieu of any commercial speech, subject to all applicable restrictions and performance standards.

W. Exceptions

Exceptions to sign regulations ~~for standard zoning districts~~ may only be granted by the ~~Board of Zoning Appeals~~ Planning Commission – through a ~~variance~~ deviation to this Chapter. In the Original Town Overlay District, only the Governing Body may approve such exceptions. ~~subject to the provisions of Chapter 18.40 of the Unified Development Ordinance.~~ Deviations may be requested for sign size, location, illumination, or number, and should be based on unique architectural features, specific site conditions or a demonstrated hardship. Deviations to sign regulations ~~for planned zoning districts~~ may also be approved by the Planning Commission and Governing Body at the time of rezoning as part of the preliminary development plan. ~~Any deviation or exception to the requirements of this chapter may only be granted upon a finding by the Governing Body that all of the following conditions are met:~~

The Planning Commission and Governing Body may consider the following criteria to the extent that they are pertinent to the particular application:

1. General spirit and intent of this ordinance.
2. Adverse effects on adjacent property owners or residents.
3. Safety implications.
4. Visual clutter.
5. Site constraints.
6. Lighting impacts on adjacent property.
7. Promotion of high-quality signage.
8. Any other factors which may be relevant to a particular application.

An applicant or aggrieved party may appeal a decision by the Planning Commission to the Governing Body and the applicant must file a notice of appeal with the Planning Official within ten (10) days following the decision. An appeal of a decision by the Governing Body must be filed in the District Court of Johnson County within thirty (30) days of the final decision.

- ~~1. That the deviation requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.~~
- ~~2. That granting the deviation will not adversely affect the rights of adjacent property owners or residents.~~
- ~~3. That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in the application.~~
- ~~4. That the deviation desired will not adversely affect the public health, safety, moral order, convenience, prosperity, or general welfare.~~
- ~~5. That granting the deviation will not be opposed to the general spirit and intent of this ordinance.~~ (Ord. 19-74 § 9, 2019; Ord. 17-52 §§ 31, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 10-59 §§ 1, 2, 3, 4, 7, 9, 10, 12, 14, 15, 16, 18, 2010; Ord. 09-15 § 1, 2009; Ord. 09-04 §§ 1, 2, 3, 5, 2009; Ord. 07-86 §§ 1, 2, 3, 2007; Ord. 05-35 § 2, 2005; Ord. 02-54 § 2, 2002)

The Olathe Unified Development Ordinance is current through Ordinance 22-22, passed May 3, 2022.

Disclaimer: The City Clerk's Office has the official version of the Olathe Unified Development Ordinance. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited here.

[City Website: www.olatheks.org](http://www.olatheks.org)

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