

ORDINANCE NO. 20-3393

AN ORDINANCE AMENDING SECTION 27-401 OF THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS CONCERNING REQUIRED MESSAGE HOLD TIMES FOR ELECTRONIC MESSAGE CENTER SIGNS WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION ONE. Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended to read as follows:

27-401.

- a. **Sign Height:** Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign. No sign may exceed the maximum height permitted for buildings in the zoning district in which the sign is located. Except that interstate advertising signs (on premise) may be sixty-five (65) feet above the interstate roadbed and associated bridges and ramps, with a maximum height of eighty-five (85) feet. Where the interstate roadbed is below the grade elevation of adjoining property, the maximum sign height shall be sixty-five (65) feet. This height may be increased provided a sign survey indicates a need for visibility at 1/2 mile, which will allow a safe exit from the inside lane of the interstate highway, with a maximum height of 110 feet.
- b. **Illuminated Sign:** A sign designed to give forth artificial light or designed to reflect light derived from any source, shall comply with the following:
 1. Illuminated sign shall be designed so as to reflect or direct light away from any residential dwelling district.
 2. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
- c. **Flashing or Moving Signs:** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall not be permitted except Christmas or other holiday lights during a period four (4) weeks preceding such holiday. Such signs shall comply with the following:

A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals and any ancillary messages (such as community events).

Electronic Message Centers shall be permitted in Commercial and Industrial Districts only upon issuance of a conditional use permit in accordance with Article 26. In considering a conditional use permit application the Planning Commission and

Governing Body may impose requirements related to size, maximum illumination (including incorporating automatic dimmer controls), and hours of operation, or other conditions as deemed necessary and appropriate by the Planning Commission and Governing Body; provided, however, that all Electronic Message Centers now or hereafter approved by conditional use permit shall be allowed to have a minimum message hold time of three (3) seconds, and in considering a conditional use permit application, the Planning Commission and Governing Body shall not require a message hold time of greater than three (3) seconds.

- d. Accessway: No sign shall block any required accessway.
- e. Signs on Trees or Utility Poles: Except where otherwise specifically allowed under these regulations for temporary signs, no sign shall be attached to a tree or to a publicly or privately owned utility pole on either public or private property.
- f. Temporary Sign: Temporary signs are signs which are not permanently mounted to the ground or to a building. Temporary signs shall be allowed without a permit if they comply with the following requirements:
 - 1. Posters and banners of a commercial nature shall only be allowed within commercial or industrial zoning classification and on non-residential properties within residential zoning classifications. Flags (no more than 2 per allowed sign) shall be allowed in residential zoning classifications only in new developments and subdivisions during periods of active construction and shall be located with or mounted on monument or construction signs.
 - 2. Posters shall be attached flat against a building and shall not exceed thirty-two (32) square feet in area.
 - 3. Posters and banners shall be limited to advertising an award, special product, or sale within the building to which the poster or banner is attached.
 - 4. Banners or streamer/pennants shall be attached to privately owned and maintained poles that are located on private property.
 - 5. A banner or pennant may not hang lower than 15 feet over a vehicular path /drive and 12 feet over a pedestrian walkway.
 - 6. Banners that are attached flat against a building may not exceed 200 square feet and 32 square feet if not attached flat. All permanent wall signs, banners, pennants collectively may not exceed 10% of the wall space. All permanent ground signs, and ground mounted banners collectively may not exceed 200 square feet of sign face.
 - 7. Both the business and property owner are responsible to keep any poster, banner, or pennant in good repair and condition. Any poster, banner, or pennant in deteriorated condition, hazardous to persons, or unsightly shall be removed.
 - 8. Construction and contractor yard signs and garage sale signs.

- g. Projecting Signs: Projecting signs shall not extend over the public right-of-way, except as allowed in this subsection in the C-4 district. Projecting signs shall be allowed in the C-4 District subject to the following restrictions.
1. No projecting sign shall be maintained less than nine (9) feet, nor more than fifteen (15) feet above, the sidewalk over which it is erected.
 2. No projecting sign shall project more than five (5) feet beyond the face of the building to which it is attached, and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic.
 3. No projecting sign shall exceed twelve (12) square feet in surface area.
 4. A projecting sign shall project at a ninety (90) degree angle from the building to which it is attached.
 5. No applicant shall be granted a permit to erect a projecting sign until he/she has furnished proof of insurance satisfactory to the Zoning Administrator stating that the applicant's coverage extends to the proposed sign and any injuries arising therefrom.
- h. Metal Signs: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected. All such signs shall conform with the City's adopted Electrical Code.
- i. Traffic Safety:
1. No sign shall be maintained at any location whereby reason of its position, size, shape or color, it will, in the determination of the Zoning Administrator, obstruct, impair, obscure, interfere with the view of or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 2. Any sign located within two (2) feet of a private driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.
 3. No sign shall be placed in the sight triangle as defined in this subsection unless the bottom edge of such sign is greater than 12 feet above the ground. No pole or structure supporting such sign shall have a width exceeding two (2) feet. The minimum area included in a sight triangle shall be bounded on two sides by the centerline of each street, and on the third side by a line connecting the two

centerline at points a distance of 90 feet from the intersection of the centerline. This distance shall be increased to 120 feet on State or Federal highways and on arterial streets as defined by the Comprehensive Plan.

- J. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, street frontage shall be computed as follows:
 - I. For those tracts or parcels located on major streets as designated in the Comprehensive Plan, the lineal street frontage shall be the length of that property line abutting the major streets.
 - 2. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half (1/2) of the sum of all the street frontage.

SECTION TWO. Existing Section 27-401 of the Zoning Regulations of the City of Abilene, Kansas is hereby repealed.

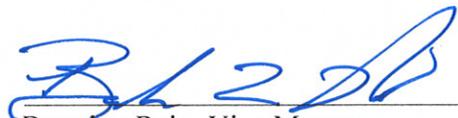
SECTION THREE. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 20-3393 Summary

On October 26, 2020, the City Commission passed Ordinance No. 20-3393. The ordinance amends Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas concerning required message hold times for electronic message center signs within the City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 26th day of October, 2020.

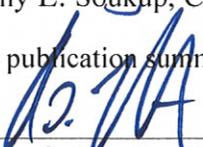



Brandon Rein, Vice Mayor

Attest

Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 26th day of October, 2020.


Aaron O. Martin, City Attorney