

**ORDINANCE NO. 3269**

**AN ORDINANCE AMENDING ARTICLES 27 AND 28 OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS, CONCERNING SIGNAGE AND FLOODPLAIN REGULATIONS, RESPECTIVELY**

**WHEREAS**, the City of Abilene is authorized, pursuant to K.S.A. 12-741 *et seq.*, to adopt and periodically amend Zoning Regulations for the purpose of promoting the health, safety, and general welfare of its citizens;

**WHEREAS**, the Planning Commission held Public Hearings on June 10, 2014 and July 29, 2014, for the purpose of hearing public comments concerning the proposed amendments to the Zoning Regulations;

**WHEREAS**, the Planning Commission caused a record of such Public Hearings to be produced, and unanimously voted to recommend adoption by the Governing Body of the City of Abilene, Kansas, of the proposed amendments to the Zoning Regulations; and

**WHEREAS**, the Governing Body has considered the recommendations of the Planning Commission and examined the proceedings of the Planning Commission, and find them all in order and conformity with City laws and State statutes.

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

**SECTION ONE.** Zoning Regulations Amended. That Articles 27 and 28 of the Zoning Regulations are hereby amended, pursuant to K.S.A. 12-741 *et seq.*, as provided in **Exhibit A** attached hereto. The regulations hereby adopted shall be included in the official copy of said Zoning Regulations entitled "City of Abilene Zoning Regulations," as previously adopted by Ordinance No. 3259.

**SECTION TWO.** Implementation. That the City Manager, or designee, is hereby authorized and directed to implement and to administer said approved Zoning Regulations, as amended.

**SECTION THREE.** Official Copies. In accordance with K.S.A. 12-3010, at least one copy of the Zoning Regulations marked, "Official Copy as Incorporated by Reference by Ordinance No. 3259," and to which there shall be attached a published copy of this Ordinance, shall be filed with the City Clerk to be open for inspection and available to the public at all business hours.

**SECTION FOUR.** Penalty. Pursuant to K.S.A. 12-761, the violation of any provision of the Zoning Regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense, or by both such fine and

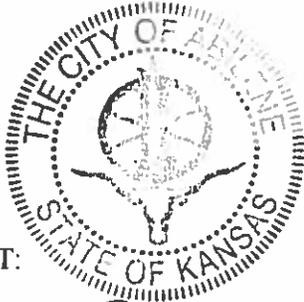
imprisonment, and each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent unlawful construction, erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land. Such further authority shall encompass the provisions of Article 30 Enforcement, Violation and Penalty of the Zoning Regulations.

**SECTION FIVE. Repeal.** Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

**SECTION SIX. Severability.** If any provision of the above-described Zoning Regulations are at any time deemed to be illegal, invalid or unenforceable, such determination shall not affect the validity or enforceability of any other provision of the Regulations.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Abilene, Kansas this 27<sup>th</sup> day of April, 2015.



**CITY OF ABILENE, KANSAS**

By: Dennis P. Weishaar  
Dennis P. Weishaar, Mayor

ATTEST:

Penny Soukup, CMC  
Penny Soukup, CMC  
City Clerk

**EXHIBIT A**

**Articles 27 and 28**

**Zoning Regulations**

**City of Abilene, Kansas**

**April 27, 2015**

## ARTICLE 27 SIGN REGULATIONS

### Sections:

- 27-1 Intent
- 27-2 Definitions
- 27-3 Administration
- 27-4 General Standards
- 27-5 Signs Permitted in All Districts
- 27-6 District Regulations
- 27-7 Prohibited Signs
- 27-8 Sign Maintenance Requirements
- 27-9 Abandoned Signs
- 27-10 Nonconforming Signs

### SECTION 27-1 INTENT

**27-101.** This Article provides regulations for exterior signs for advertising, promotion and identification of uses in order to preserve, protect and promote the public health, safety, and general welfare. Further, this Article intends to: encourage the reasonable, orderly and effective display of signs; enhance the physical appearance of the city; reduce visual clutter; prevent blighting influences; protect property values; provide minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and authorize the use of signs which are compatible with their surroundings.

### SECTION 27-2 DEFINITIONS

**27-201.** As used in this Article, unless the context indicates otherwise, the terms listed below shall have the following meanings:

***“A” frame sign*** means 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.

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

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

**Advertising (off-premises) sign** means any sign that directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought, sold, furnished, offered or dealt in elsewhere other than on the premises where such sign is located or to which it is affixed. Billboards are a type of advertising sign.

**Advertising (interstate) sign** means any on-premise sign, on a lot size of eight (8) acres or more, that directs the attention of the traveling public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought, sold, furnished, offered or dealt on the premises where such sign is located or to which it is affixed.

**Awning, canopy or marquee sign (illuminated and/or non-illuminated)** means a sign which is mounted, painted or printed on, or attached to an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee. For the purposes of this definition, canopy signs and marquee signs shall be construed to be awning signs.

**Banner** means a temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame, and either installed flat against the building or not flat against the building.

**Billboard** means a freestanding outdoor advertising structure which advertises a product or service, or relays a message to the public.

**Bulletin board sign** means a sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

**Business sign** means a sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

**Canopy:**

1. **Building canopy** means 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 these regulations, when the pitch of a building canopy is 1:4 or less (twenty-five [25] degrees or less from vertical), the face of the canopy shall be considered part of the wall.
2. **Freestanding canopy** means a self-supported, detached roof-like structure normally covering gas islands.

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

**Copy area (see Sign face)** means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

**Directional sign** means a sign which serves solely to designate any area or activity such as "exit," "one-way," "drive-in," "auto service," etc.

**Directly illuminated sign** means 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 bulbs.

**Electronic Message Center** means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

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

**Fuel rate sign** means a sign which identifies gasoline and/or petroleum product rates or prices in words, numbers, figures or any combination thereof.

**Governmental sign** means any sign placed by a governmental entity upon a building, structure or land owned or leased by that entity and used for governmental purposes, including signs for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of any public officer in the performance of his or her public duty.

**Ground sign** means any sign permanently placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is less than six (6) feet above the ground.

**Identification sign** means a sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily-recognized symbol.

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

**Indirectly illuminated sign** means a sign which is illuminated by a shielded light source.

**Internally illuminated sign** means a sign illuminated by an internal light source diffused through a translucent material.

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

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

**Off-site developmental sign** means a temporary freestanding, non-illuminated sign used to direct people to a single-family or duplex subdivision.

**On-site developmental sign** means a temporary, freestanding, non-illuminated sign identifying a building or construction site and the architects, engineers, financial institutions, contractors, suppliers and real estate professionals involved. An on-site developmental sign includes a "coming soon" sign.

**Parapet or parapet wall** means that portion of a building wall that rises above the roofline.

**Person** means an individual, corporation, association, firm or partnership.

**Pole sign** means any sign placed upon, or supported by, the ground independently of the principal building or structure on the property where the bottom edge of the sign is six (6) feet or more above the ground.

**Political signs** means a sign supporting a candidate for public office or measures on an election ballot.

**Portable signs** means a sign which is not permanently affixed to the ground, building or other structure, which may be mounded on wheels, and can easily be transported from place to place.

**Poster** means a temporary sign installed flat against a building.

**Projecting sign** means a sign extending more than twelve (12) inches from the face of the building to which it is attached, not including wall signs.

**Public notices and signs** means official notices or signs for a public purpose as required by any law, statute or ordinance or as permitted by the Governing Body.

**Real estate sign** means 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** means the primary cover of a building used to shed weather, including all supporting materials.

**Roof sign** means a sign erected, constructed or maintained partially or wholly upon or over the roof of a building, a building canopy, or a freestanding canopy, and not projecting more than twelve (12) inches from such building or canopy.

**Shopping center** means any retail development having two or more tenants, which may be joined by a common wall. At least one tenant shall have a minimum of 9,000 square feet of leased space and a second tenant shall have a minimum of 2,000 square feet.

**Sign** means 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 structure.

**Sign alteration** means the replacement, enlargement, rewording, reduction, reshaping, or repainting using different colors, of a sign to serve an establishment or business.

**Sign face** means that area within a line including the outer extremities of all letters, figures, characters and logos; or within a line including the outer extremities of the framework or background.

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

**Sign structure** means the base, supports, uprights, braces, framework and face of a sign.

**Snipe sign** means 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.

**Streamer/pennant** means flags or small signs/emblems on a rope or cable hung from one point to another.

**Subdivision entry marker** means a monument sign used to identify a platted subdivision of 20 or more single-family or duplex lots.

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

**Time and/or temperature sign** means a sign displaying time and/or temperature information with no additional advertising or comments other than the name of the company which owns the sign.

**Under canopy sign** means 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.

**Vehicular sign** means any sign which is attached to or placed upon a parked motor vehicle which is improperly tagged or otherwise inoperable as determined by the Community Development Inspector.

**Wall** means a vertical structure which is solid and encloses a building, and supports the roof.

**Wall sign** means a sign that is parallel to, and attached to, the surface of a wall, including illuminated awning signs. Such a sign does not project more than twelve (12) inches from the building.

## **SECTION 27-3 ADMINISTRATION**

### **27-301.**

#### **a. Sign Permit Required:**

1. It shall be unlawful for any person to erect or alter any sign as defined in these regulations without first obtaining a sign permit. This requirement shall not be construed to require a permit for sign maintenance, altering changeable copy on theater signs, billboards, or similar signs, or signs exempted from a permit as described elsewhere in this Article.
2. Applications: Sign permits shall be made on a form provided and shall be accompanied by plans drawn to scale indicating the sign size, location, method of illumination, colors, materials of the sign and structure, and method of attachment. In addition, the applicant shall submit other information relating to the placement, construction, design, etc., of the sign as may be required. A survey showing recommended height and face size must be submitted for all applications for interstate advertising signs. The Zoning Administrator, or designee, shall review and approve any increase in size of height of signs, based on survey.
3. Issuance: The Zoning Administrator shall issue a permit for the erection, alteration, or relocation of a sign when an application has been properly made and the sign complies with all appropriate laws.
4. Revocation and Denial: The Zoning Administrator 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 Zoning Administrator, he/she will give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
5. Sign Permit Appeals: Appeal may be made to the Board of Zoning Appeals upon denial of a sign permit.
6. Effect of Permit Issuance: No permit for a sign shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit constitute a defense in an action to abate an unlawful sign.

#### **b. Removal of Sign:**

1. If it has been determined that any sign or other advertising structure regulated herein is unsafe, written notice of such determination shall be

given to the sign owner. The owner shall immediately remove or repair the sign to make it safe. If the owner fails to remove or repair the sign so as to comply within ten (10) calendar days after notice, the Zoning Administrator may cause the sign to be removed or repaired to make it safe, at the expense of the permittee or owner.

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

## **SECTION 27-4 GENERAL STANDARDS**

### **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 ½ 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), transition and hours of operation, or other conditions as deemed necessary and appropriate by the Planning Commission and Governing Body.

- 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 where by 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:

1. 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 27-5 SIGNS PERMITTED IN ALL DISTRICTS**

**27-501.** The signs listed in this Section are permitted in all districts and do not require a sign permit, unless otherwise noted. Such signs must be in conformance with all other applicable regulations and laws of the City.

- a. **Changeable Copy:** Permits are not required for replacing or altering changeable copy on theater signs, billboards, or other similar signs.

- b. Governmental Signs.
- c. On-Site Development Signs:
  - 1. The sign must be on the site of the development, and shall not exceed eight (8) feet in height or 32 square feet in area per face. The sign may have two (2) faces. The minimum setback from any property line shall be 30 feet. For each additional setback of ten (10) feet the face area may be increased one (1) square foot. The maximum face area shall not exceed 100 square feet, and the maximum height shall not exceed 15 feet, except as provided below. One (1) on-site development sign may be permitted for every 1,000 feet of street frontage. If a development has more than one (1) street frontage, then a separate on-site development sign may be permitted on each frontage. A maximum of two (2) on-site development signs may be permitted for a development.
  - 2. Development signs include "Coming Soon" signs. The sign shall be removed no later than five (5) days after a certificate of occupancy has been issued for the last building or phase. A sign permit is required.
- d. Nameplate Sign: Such signs shall not exceed four (4) square feet in area.
- e. Political Sign: Political signs shall not exceed six (6) feet in height and thirty-two (32) square feet per face with two (2) faces permitted. Political signs shall not be:
  - 1. placed, erected or maintained on or in public buildings and structures, including libraries, recreational centers, parking structures, city hall, or on or in public parks, lawns, vehicles, trees, shrubs, fences, walks, parking meters, traffic signs, fire hydrants or rights-of-way;
  - 2. placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks or at street corners;
  - 3. lighted; or
  - 4. for political signs relating to candidates for elective office or ballot questions, placed, erected or maintained more than forty-five (45) days prior to and seven (7) days after the election to which the sign relates. In the event of a subsequent run-off election, the signs of the run-off candidates may be maintained until seven (7) days after the run-off election.
- f. Real Estate Sign:

1. For signs in residential districts (CS, R-1, R-2, R-3, MHS, MHP, MU) no more than one sign on-site. Off-site signs are not permitted other than temporary "open house" signs.
  2. For signs in commercial districts (C-1, C-2, C-3, C-4, MU) and industrial districts (I-1, I-2) no more than one sign on-site. Off-site signs are not permitted.
- g. Directional Sign: Such sign shall not exceed four (4) square feet per face with two (2) faces permitted. The sign shall not exceed four (4) feet in height if freestanding.
- h. Civic Organization Signs: After approval by the Planning Commission a sign displaying the logos of civic organizations operating in the city may be permitted on major arterials or highways at the city limits. The signs shall not exceed 16 square feet per face, with one (1) face permitted. The maximum height shall not exceed twelve (12) feet.
- i. Address Numbers: Address numbers shall not exceed four (4) square feet in total area.

## **SECTION 27-6 DISTRICT REGULATIONS**

**27-601. Residential Districts.** Only the signs set out in Table 27-1 shall be permitted in the CS, R-1, R-2 and R-3 residential districts; MHS and MHP manufactured home districts, and all residential sections of either a PUD or MU.

### **27-602. Requirements in Residential Districts.**

- a. **Number of Signs Permitted:** One sign per zoning lot. However, any zoning lot with frontage on two or more public streets may have additional ground signs, one per street frontage, if the use is conforming to the district. Home Occupations shall be limited to one sign regardless of street frontage.
- b. **Maximum Height:** 12 feet.
- c. **Required Setback:** No sign shall be placed closer to the front property line than one-half (1/2) the distance of the required front yard, except when a non-conforming setback exists, then no sign shall be placed closer to the front property line than one-half (1/2) the distance of the existing front yard.
- d. **Illumination:** Bulletin board signs may be illuminated with incandescent, mercury, or fluorescent lighting and all other signs shall only be indirectly lit. No such sign shall create glare on surrounding residential uses.

**27-603. Commercial and Industrial Districts.** Only the signs set out in Table 27-1 shall be permitted in the C-1, C-2, C-3 and C-4 commercial districts; I-1 and I-2 industrial districts; and all commercial and industrial areas of either a PUD or MU.

**TABLE 27-1  
PERMITTED SIGN TYPES**

SIGN TYPE	ZONING DISTRICTS			
	Agricultural/ Countryside	Residential Districts	Commercial Districts	Industrial Districts
<b>FUNCTIONAL:</b>				
Advertising (off-premises)			All	All
Advertising (on-premises)			All	All
Bulletin Board	All	All	All	All
Business	For home occupations	For home occupations	All	All
Construction	All	All	All	All
Electronic Message Centers (Through issuance of a Conditional Use Permit).			All (1)	All
Identification	All	All	All	All
Name Plate	All	All	All	All
Real Estate	All	All	All	All
<b>STRUCTURAL:</b>				
A-Frame			C-3, C-4	
Awning/Canopy/Marquee			All	All
Ground	All	All	All	All
Pole			All	All
Projecting			All	All
Wall	All	All	All	All
Roof			All	All
Poster			All	
Banner/Portable			All	
Streamer/Pennant			All	

(1) Except within the boundaries of the Downtown National Historic District.

**27-604. Requirements in Commercial and Industrial Districts.**

a. Number of Signs Permitted:

1. Awning, canopy or marquee signs and wall signs: Coverage of awnings, canopies or marquees cannot exceed 25% of the surface area. Coverage of wall signs cannot exceed 10% of the wall.
2. Any zoning lot with access to two public streets may have one ground or one pole sign per street to which the business has access.

Any shopping center with direct access to two public streets may have one ground or one pole sign per street to which the shopping center has access. Any zoning lot which directly abuts an interstate highway right-of-way may have one additional ground sign or pole sign located no more

than fifty (50) feet from the interstate highway right-of-way, provided there are no on-premise advertising signs on the premises.

3. Advertising (Interstate) signs: No limitation; however, all advertising signs must be located within 500 feet of the center of the U.S. Interstate 70 median or exit ramp and no two (2) advertising signs shall be within 660 feet of each other.

b. Table 27-2. Maximum Gross Surface Area:

**TABLE 27-2  
MAXIMUM GROSS SQUARE FOOTAGE SURFACE AREA**

SIGN TYPE	ZONING DISTRICTS			
	Agricultural/ Countryside	Residential Districts	Commercial Districts	Industrial Districts
<b>FUNCTIONAL:</b>				
Advertising (off-premises)			64/side (6)	64/side (6)
Advertising (on-premises)			500/side (5)(6)	500/side (6)
Bulletin Board	32	24 (1)		
Business	16	4 (home occupations)		
Construction	32	32		
Identification	32	32 (1)		
Name Plate	10	4		
Real Estate	32	14	32	32
<b>STRUCTURAL:</b>				
Awning/Canopy/Marquee			25% of surface area of awning/canopy marquee	25% of surface area of awning/canopy marquee
Ground			100/side	150/side
Pole			150/side (2)	150/side
Projecting			150/side	100/side
Wall			300/side (3)	300/side (3)
Roof			100/side	150/side
Poster	32	32 (7)	32	32
Banner/Portable	32	32 (7)	32 (4)	32 (4)
Streamer/Pennant				

Footnotes to Table 27-2

- (1) Area may be increased by 1 foot for each additional 1 foot of setback, not to exceed total gross area of 100 sq. ft.
- (2) Except advertising signs
- (3) Or 10% of the wall area, whichever is the lesser

- (4) 200 sq. ft. if attached flat against a building
  - (5) No individual sign face may be greater than 200 sq. ft. in size
  - (6) Total sign face may be increased to 100 sq. ft. upon approval by the Board of Zoning Appeals.
  - (7) Permitted on non-residential properties in Residential Zoning Districts and in Public District only.
- c. Required Setbacks: Thirty (30) feet from the center of the right-of-way, except that no sign shall be located in the right-of-way, and except that advertising signs shall maintain the same setback that is required for principal structures.
  - d. Illumination: Illuminated signs are permitted.
  - e. Tourism Way-Finding Signs: After approval by the Planning Commission, a sign displaying the logos, names, and direction of lodging establishments operating in the City may be permitted at highway entrances into the community. The sign shall not exceed 32 square feet, with only one face permitted. The maximum height shall not exceed 10 feet. Conditions considered in the approval are if a majority of lodging establishments are listed and at least two are in the vicinity of the sign, the proposed location of the sign, and its appropriateness in terms of design.

**27-605.** A-frame signs shall be permitted only in the C-3 and C-4 districts. Such signs shall not impede or obstruct pedestrian traffic on public sidewalks and shall be placed so as to allow for an unobstructed width of no less than five (5) feet on any public sidewalk upon which the sign is placed.

**27-606.** Requirements in Public District. Institutional uses shall comply with the area limitations set forth in Table 27-2 above for Commercial Districts, and also comply with the following regulations:

- a. Wall signs: two per building.
- b. Identification signs: one per street frontage.
- c. Directional signs: the number shall be unlimited, provided no single directional sign shall exceed thirty (30) square feet in area.
- d. The number of directional and identification signs internal to the site shall be unlimited, provided a sign plan is submitted to and approved by the Zoning Administrator.

## **SECTION 27-7 PROHIBITED SIGNS**

**27-701.** It shall be a violation of these regulations to erect, install, place or maintain the following signs in any zoning district:

- a. Any signs or advertising structures which are not specifically permitted under these zoning regulations.
- b. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or which obstructs 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 prohibited. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the Planning Commission.
- c. 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 of 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.
- d. Any sign or advertising structure erected on City property or other governmental property other than signs erected by that governmental entity for public purposes.
- e. 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.
- f. Any sign or advertising structure which is erected, installed or maintained upon the rear of a building, however, with the exception of allowing a tenant to identify the business name and/or address on a rear exit door with no greater than six (6) inch non-illuminated letters painted, printed, stenciled, or attached to the face of the rear door. The rear of a building is that side of a building opposite from the principal or main entrance to a building.
- g. "A" Frame sign, except as permitted by Section 27-605.
- h. Abandoned signs.
- i. Off-site advertising and off site development signs (see Table 27-1).

- j. Snipe signs, except warning signs posed by public utility companies.
- k. Temporary signs, except as permitted by Section 27-4.
- l. Vehicular signs. Signs on vehicles which are improperly tagged, or inoperable as defined by Abilene City Code. A company or corporation name or logo painted on a motor vehicle or semi-trailer normally in motion, or parked during use, shall not be considered a vehicular sign.
- m. Directly illuminated signs, except to the extent specifically authorized in this Article.

## **SECTION 27-8 SIGN MAINTENANCE REQUIREMENTS**

### **27-801.**

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

## **SECTION 27-9 ABANDONED SIGNS**

### **27-901.**

- a. Except as otherwise provided in this section for nonconforming signs, any sign which is located on a building, structure, or real property which becomes vacant and unoccupied for a period of ninety (90) consecutive days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. When a wall sign is removed, the wall of the building or structure shall be restored to its normal appearance. Removal of a monument or highway sign shall include the face and base.

- b. If after the ninety (90) consecutive day time period has elapsed and the sign has not been removed, the Zoning Administrator shall notify, in writing, the property owner of record that the sign shall be removed within thirty (30) calendar days after the date of the notice. If the sign has not been removed within thirty (30) calendar days after the date of the notice, the City may have the sign removed and the associated costs assessed to the property.
- c. The City Clerk shall mail a statement of cost for removal of the 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 notice, the Governing Body may levy a special assessment for such cost against the property. The City Clerk shall 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.

## **SECTION 27-10 NONCONFORMING SIGNS**

### **27-1001.**

- a. Except as provided otherwise in this section, nonconforming signs that were otherwise lawful on the effective date of these regulations may be continued.
- b. No nonconforming sign may be altered in such a manner as to increase the degree of the nonconforming condition, nor may illumination be added to any nonconforming sign.
- c. A nonconforming sign may be altered to bring the sign into complete conformity with these regulations.
- d. 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 shall be deemed abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For good cause shown the Zoning Administrator may grant an extension of time for such removal.
- e. If a nonconforming billboard remains blank for one hundred eighty (180) consecutive days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Article 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 good cause shown the Zoning Administrator may grant an extension of time for such alteration or removal. For purposes of this section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising copy paid for by a person other than the sign owner has been removed.