

ORDINANCE NO. 2448

AN ORDINANCE AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE BY AMENDING SECTION 16-4-6 ENTITLED "SIGN REGULATIONS" PERTAINING TO TEMPORARY SIGNS [PC CASE 86-09].

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. That Section 16-4-6 of the Leawood Development Ordinance is hereby amended to read as follows:

16-4-6 SIGN REGULATIONS

16-4-6.1 Statement of Intent

The Governing Body finds that unregulated proliferation of signs results in visual clutter, which is harmful to neighborhood aesthetics and property values and may cause traffic hazards. The provisions of these Sign Regulations are intended to regulate and control all signs in the City of Leawood. It is the intent to limit visual clutter and reach a level of aesthetic quality by reducing disharmony in signage and to establish a sign identity and promote traffic safety for Leawood by limiting the size, type, location and materials of which signs may be constructed. These regulations are enacted to protect the property values in the City by enhancing the physical appearance of the City and by authorizing the use of signs that are compatible with their surroundings.

16-4-6.2 Applicability

A sign may be erected, placed, established, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. Signs are permitted only as provided in Tables 16-4-6.13, 16-4-6.14, and 16-4-6.15, and subject to the further regulations set forth in this Article and as otherwise provided by law. All other signs are prohibited.

16-4-6.3 Office, Commercial and Industrial Signage in Planned Districts

For purposes of these regulations, the terms shopping center, business park, office park, industrial park or other grouping of buildings shall mean a project of one or more buildings with two or more tenants that has been planned as an integrated development or cluster on property under unified control or ownership at the time that zoning was approved by the City. No permit shall be issued for an individual sign unless and until Sign Development Standards have been submitted to and approved by the Governing Body after recommendation by the Planning Commission.

- A) Sign Standards: The developer shall prepare a set of sign standards regulating all signage. Such standards shall run with the land with all leases or sales of portions

of the development. The sale, subdivision or other partition of the site after the zoning approval does not exempt the project or portions thereof from complying with these regulations. The size, color, materials, styles of lettering, type of illumination and location shall be set out in such standards. The Final Development Plan shall include the Sign Development Standards and be approved as part of the Final Development Plan. These standards may be revised by resubmitting them to the Governing Body for approval after recommendation by the Planning Commission.

Sign Development Standards for a Planned District shall meet all requirements of this Ordinance and are subject to the limitations set forth herein and shall maintain the following as conditions of approval and acceptance:

- 1) The Development sign standards, once approved, represent a firm commitment by the developer that development will indeed follow the approved plans.
 - 2) The sign concept is to be planned and developed in a manner that will result in clear, readable, effective signage.
 - 3) The developer may be given latitude in using innovative techniques in the development of sign concepts.
 - 4) No permit shall be issued for an individual sign in a planned district unless and until Sign Development Standards for the development have been submitted to the Governing Body for approval after recommendation by the Planning Commission and the sign is otherwise in conformance with the Standards and with this Ordinance.
- B) Deviation From Requirements: Deviations in size, colors, location, number of signs, and illumination, may be approved by the Governing Body after recommendation by the Planning Commission if it is deemed that an equal or higher quality of development will be produced. The City may, in the process of approving sign concepts, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with the intent of this Ordinance, shall be clearly set out in the minutes as well as on exhibits in the record, and provided that specific reasons justifying deviations are included in the record. The following deviations may be granted:
- 1) In commercial districts if private sign standards have been approved as part of the Final Development Plan, then the maximum of all wall, canopy, and window signs shall be 5% of the total area of the facade.
 - 2) Directory Signs may be permitted that are scaled to pedestrian traffic.

16-4-6.4 Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A) Except for flags, temporary signs, informational signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or other structure.
- B) All signs shall be maintained: a) in good structural condition; b) in compliance with all building and electrical codes; c) in conformance with this Ordinance, at all times.
- C) Except for informational signs, no long-term temporary sign (to be used longer than 10 days) shall be constructed of solely paper type products (including cardboard), and must be made of a durable material.

16-4-6.5 Permits Required

- A) **Permits Required.** Except as provided by this Ordinance, or by other ordinance or resolution of the city, it shall be unlawful for any person to erect, construct, alter, relocate or convert any sign or other advertising structure as defined herein, without first obtaining a sign permit from the Planning and Development Department after payment of the required fee. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with these regulations. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance in every respect and with the Sign Development Standards in effect for the property.
 - 1) Applications for sign permits shall be made upon the forms provided by the Planning and Development Department.
 - 2) One set of plans drawn to scale indicating the sign location on a site plan, sign size, method of illumination, colors, materials of the sign and method of attachment are required.
 - 3) The applicant shall submit any other information deemed necessary by the Director of Planning and Development.
- B) **Permit Fees.** Every applicant, before being granted a permit, shall pay a fee as established by the Governing Body. For any sign erected or placed without a permit, the fee shall be double the established fee.
- C) **Permit Issued If Application Is In Order.** It shall be the duty of the Director, upon receipt of an application for a sign permit, to review the application and to conduct such other investigation as is necessary to determine the accuracy of the

application. If it appears that the applicant has provided the information requested in the application and that the information is accurate and that the proposed sign when placed will comply with the provisions of law, the sign permit shall be issued.

- D) Denial of Application For Sign Permit. If the Director determines that the proposed sign is not in compliance with all the requirements of this article and with all other laws and ordinances of the city, the requested permit shall not be issued and the applicant shall be advised of the reason for such determination.

16-4-6.6 Exemptions from Permit Requirements

Permits shall not be required for the following:

- A) Any sign erected by the City, County, State or Federal government including street markers and traffic signs.
- B) Any sign necessary for public safety erected by utility companies within their respective easements.
- C) Any sign specifically required by the building codes, Leawood Development Ordinance or Subdivision Regulations of the City of Leawood.
- D) Maintenance of signs.
- E) Temporary signs. [See Section 16-4-6.15 for regulations pertaining to Temporary signs.].

16-4-6.7 Sign Area Calculations

The following principles shall control the computation of sign area and sign height.

- A) Computation of Area of Individual Signs. The area of single panel sign shall be measured within a single continuous perimeter enclosing the extreme limits of a sign panel, and in no case passing through or between any adjacent elements of the same; however, such perimeter shall not include structural elements or supports outside the limits of such sign and not forming an integral part of the display. The gross area of a sign composed of separate letters, symbols or words attached directly to an architectural facade shall be measured as the area enclosed by straight lines drawn closest to copy extremities encompassing individual symbols or words. Sign band area shall be included in the area calculations.
- B) Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and

when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

- C) **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- D) In the event that a building has a curved wall, the area of the facade, for sign purposes, will be determined by drawing two lines perpendicular to the facade. This will then be considered as straight walls, with the area of this facade to be used in determining the size of the allowed signage.
- E) **Maximum area.** A total of 200 square feet per sign is allowed for all permanent signage except as further limited as shown on Table 16-4-6.13.

16-4-6.8 Non-Conforming Signs

In the event a sign erected prior to the adoption of this Ordinance does not conform to the provisions and standards of the ordinance, then such sign(s) shall be modified to conform or be removed according to the following:

- A) Nonconforming signs may only be replaced with conforming signs.
- B) Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 50% of the current value of the sign as of the date of alteration or repair.
- C) Any maintenance, repair or alteration in excess of 50% shall require the sign to come into compliance.

16-4-6.9 Prohibited Signs

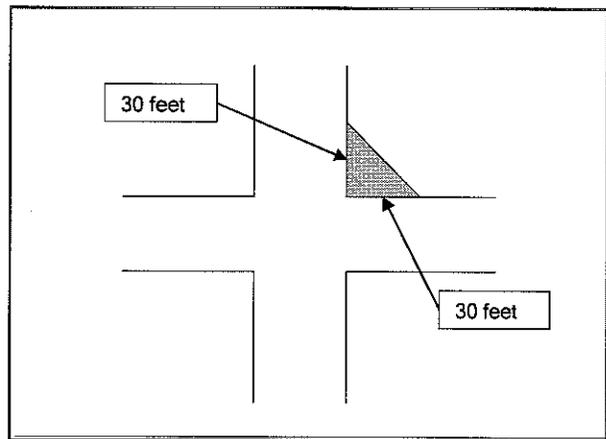
All signs not expressly permitted within this Ordinance or exempted from regulation herein are prohibited in the city. Prohibited signs include, but are not limited to:

- A) Signs which are attached to any tree, fence, branch, another sign, or utility pole when such sign is located on public property, including right-of-way, provided, however, that this prohibition shall not apply to warning signs issued and properly posted by a utility company.

- B) Signs other than those specifically allowed by this Ordinance that are capable of being carried, wheeled or moved from one location to another.
- C) Attention-attracting devices not specifically allowed by this Ordinance.
- D) Flashing or blinking signs.
- E) Neon window signs.
- F) Electronic graphic signs.
- G) Strings of light bulbs except when used for decorative purposes during a holiday season and not in excess of 7 1/2 watts. Said strings of bulbs may not traverse street rights-of-way.
- H) Roof signs.
- I) Rotating signs.
- J) Animated signs.
- K) Digital readout signs.
- L) Changeable copy signs.
- M) Signs painted directly on exterior walls or surfaces.
- N) Signs whose source of illumination is visible from off site.
- O) Any sign within the public right-of-way, or on other public property, not authorized by the Governing Body.
- P) Any sign which displays obscene, matter.
- Q) Pole signs.
- R) Any sign that blocks the clear sight triangle of an intersection.
- S) Real estate advertisements and signs not fairly and truthfully imparting to the public accurate information in regard to zoning classification and Comprehensive Plan information.
- T) Signs displayed with twirlers, flags, balloons or other paraphernalia.
- U) Illuminated signs with exposed incandescent bulbs or exposed incandescent fluorescent tubes.

- V) Signs which have been allowed to fall into a state of disrepair, without a clean and neat appearance.
- W) Signs which are applied or affixed to a sidewalk, crosswalk, curb, curbstone, lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police alarm system or upon any lighting system, public bridge, street sign or traffic sign.
- X) Signs placed at intersections of any street in such a manner as to obstruct free and clear vision; or any location where, by reason of the position, shape or color, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in" "danger," or any other word, phrase, symbol or character in such manner as to interfere with or mislead or confuse traffic.

Sight Triangle



- Y) Signs placed in the sight triangle of any roadway corner. This sight triangle is to be defined as the area achieved by measuring 30 feet in both directions from the point of intersection, and connecting these two lines diagonally.
- Z) Box signs, "cut-sheet," or other sign types where the entire sign surface is illuminated.
- AA) Permanent signs which identify phone numbers, product, or any other specific information about the tenant beyond the name of the tenant.

16-4-6.10 General Regulations

- A) Unless otherwise noted herein, all background colors used on signs shall match or be compatible with primary accent colors used on building elevations, and shall be approved by the City.
- B) Exterior neon signage and lighting that is visible from the public streets shall not be allowed without approval by the City.
- C) Signage and building addresses on the facades of buildings shall be individual cast letters that reflect the style of the building. Metal lettering is encouraged. Anchor tenants shall have signage heights reviewed on an individual basis. Signage for remaining tenants shall be limited to 18 inches in height and placed on a recessed surface of the building. Signage color will be limited to one color

per building or building group. Covered pedestrian walkways shall be allowed additional signage suspended from the ceiling or by plaques recessed in walls. Signage at covered walkways shall be limited in size and consistent in color, size, and material per building or building group. Signage in windows shall be permanently affixed to the glass by painting, with the exception of non-illuminated open/closed signs, which may be removable.

- D) Monument signs shall comply with the following additional:
- 1) Dimensions -- 6' maximum in height (inclusive of base), 10' maximum in length, 18" minimum to 24" maximum in width.
 - 2) Base -- brick masonry, stone, or other solid base that is coordinated with the primary finish material used in the project building elevation. The base of the sign should be 24" in height.
 - 3) Graphics/Text -- signs may include the name or graphic identification of the project or development. Such graphic or text shall not exceed 18" in height.
 - 4) All signs shall be of sound structural quality, be maintained in good repair, and have a clean and neat appearance.
 - 5) Face of Sign shall be smooth. All signs or other advertising structures shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom.

16-4-6.11 Abandoned or Unsafe Signs

- A) Except as otherwise provided in this Ordinance, any sign including its structure which is located on a building, structure or premises that becomes vacant and unoccupied for a period of 6 months or more, or any sign which pertains to time, event or purpose which no longer applies, shall be deemed to have been abandoned.
- B) An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. In addition, the facade or place where the sign was attached shall be restored to its normal appearance.
- C) If the sign has not been removed after the 6 month time period has elapsed, the City shall notify the property owner of record in writing that the sign shall be removed within 10 days after the date of the notice. If the sign has not been removed within the 10 days, the Designated Official may have the sign removed and have the costs of the removal shall be paid by the property owner.

- D) The Planning and Development Department shall mail a statement of removal costs of said sign to the last known address of the owner of the property, and if such costs are not paid within 10 days, the Designated Official shall take such further action as may be warranted to collect such sums.
- E) If the Designated Official finds that any sign or other advertising structure regulated is unsafe, insecure, or a menace to the public, written notice shall be provided to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth, within 48 hours after such notice, such sign or advertising structure may be removed, altered, or otherwise brought into compliance by the Designated Official at the expense of the permittee or owner of the property on which it is located.

16-4-6.12 Unlawful Signs

- A) It is unlawful to place or maintain any sign in violation of the terms of this Ordinance.
- B) It is unlawful to willfully remove a sign belonging to any other person without the consent of the owner of the sign or the owner of the property upon which the sign is placed.
- C) Prosecution for Violation. If the Designated Official or his or her designee shall have reason to believe that any sign regulated herein is constructed, erected, or being maintained in violation of this Ordinance or that any provision of the Ordinance has been or is being violated, (s)he may give written notice, in accordance with Section 16-6-1 of this Ordinance, to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein set forth within the time frame provided in such written notice, the City may pursue enforcement through the remedies or other actions set forth in Section 16-6-1 of this Ordinance. For purposes of this Ordinance, any owner of property shall be responsible for compliance with these provisions and may be prosecuted for violation if he or she permits or maintains a sign upon his or her property in violation this Ordinance.
- D) Removal. Any sign which has been placed on public property or in the right-of-way without the permission of the person or entity that has a duty to maintain such section of the right-of-way or is in the right-of-way and otherwise in violation of the provisions contained in this Ordinance shall be immediately removed by any officer of the City.
- E) Revocation of Permit. The Director is hereby authorized and empowered to revoke any sign permit upon failure of the holder thereof to comply with any provision of this Ordinance.

F) Each day a violation of this Ordinance exists shall constitute a separate violation.

16-4-6.13 Permanent Sign Regulations

A) The following table sets forth the regulations relating to the types of permanent signs allowed by the City.

Table 16-4-6.13						
Schedule of Permanent Sign Regulations						
Zoning District	Allowable Type	Structural Type	Maximum Number	Maximum Area	Lighting	Motion
RPA-5, R-1, RP-1, RP-2, RP-3, RP-4	Signs identifying entrances of a subdivision or entryway monumentation	Monument (can be double faced)	1 at each major entrance from an arterial or collector street	As approved by the Governing Body after recommendation of Planning Commission	None or Indirect only	None
SD-O	Signs identifying commercial office buildings; Individual tenant names are not to be used for building identification	Wall or canopy, located below eave or parapet	2	Five percent (5%) of building façade (not to exceed a total of 200 sq. ft. per sign)	None, indirect, or internally illuminated	None
SD-CR, SD-NCR, MXD	Signs identifying retail or service businesses	Wall or canopy, located below eave or parapet	2	Five percent (5%) of building façade (not to exceed 200 sq. ft. per sign)	None, indirect, or internally illuminated	None

Table 16-4-6.13

Schedule of Permanent Sign Regulations

Zoning District	Allowable Type	Structural Type	Maximum Number	Maximum Area	Lighting	Motion
		Monument (can be double faced)	None. In lieu of one wall or canopy sign, may be allowed by the Governing Body after recommendation by the Planning Commission	50 sq. ft.	None or indirect only	None
		Directional Signs	2	6 sq. ft.	None	None
BP, SD-O	Signs identifying the entrances of a business or office park	Monument (can be double faced)	As approved by the Governing Body after recommendation of the Planning Commission	As approved by the Governing Body after recommendation of the Planning Commission	None or indirect only	None
BP	Signs identifying business or commercial establishments within a business park	Wall (for one wall sign, a detached monument sign may be substituted)	1 per façade (maximum of 2 signs total)	2% of façade (maximum 200 square feet) Monument sign – 50 square feet maximum	None or indirect only	None
		Directional signs	As approved	6 sq. ft.	None	None

16-4-6.14 Permitted Signs by Type

A) The following table sets forth the types of signs permitted in each zoning district as approved by the City.

Permanent Sign Type	RPA-5	RP-1	RP-2	RP-3	RP-4	SD-O	SD-CR	SD-NCR	MXD	BP	AG
Address	R	R	R	R	R	R	R	R	R	R	R
Animated											
Awning							A	A	A		
Banner						C	C	C	C		
Canopy						A	A	A	A		
Changeable Copy											
Directional						A	A	A	A	A	
Directory						A	A	A	A	A	
Electronic Display											
Exposed Neon							A	A	A		
Flags	C	C	C	C	C	C	C	C	C	C	C
Flashing											
Government	A	A	A	A	A	A	A	A	A	A	A
Marquee											
Monument	A	A	A	A	A	A	A	A	A	A	A
Multi-tenant											
Off-Site	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Painted Wall											
Pole											
Light Pole Banner							A	A	A		
Portable											
Roof											
Rotating											
Time and Temp											
V-Shaped Temporary											

Permanent Sign Type	RPA-5	RP-1	RP-2	RP-3	RP-4	SD-O	SD-CR	SD-NCR	MXD	BP	AG
Wall						A	A	A	A	A	
Window							C	C	C		

A = Allowed only with sign permit, pending approval by the Governing Body after recommendation of Planning Commission

C = conditionally permitted via sign permit

R = Required

SUP = Allowed only with special use permit, pending approval by the Governing Body after recommendation of the Planning Commission.

Blank Box = Prohibited

16-4-6.15 Temporary Signs

(A) Purpose and Findings.

The Governing Body enacts this Ordinance to establish reasonable, narrowly tailored regulations for the posting of Temporary signs on public and private property. Temporary Signs left completely unregulated, can become a threat to public safety as a traffic hazard, and a detriment to property values as an aesthetic nuisance. By implementing these regulations, the City intends to:

- (1) balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) further the objectives of the City's comprehensive plan;
- (3) protect the public health, safety and welfare;
- (4) reduce traffic and pedestrian hazards;
- (5) protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (6) promote economic development; and
- (7) ensure the fair and consistent enforcement of the temporary sign regulations.

This ordinance is not intended to, and should not be read to include, content based regulations. If for any reason any portion or part of this Ordinance set out in this Section, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Section.

(B) Regulations. Temporary signs, as defined in Article 9, may be posted on property in all Zoning Districts of the City, subject to the following requirements:

(1) The total square footage for temporary signs on any lot in any district, in the aggregate, shall not exceed forty-eight (48) square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of only one side of the sign and only the area of one side of a double-sided sign is included in the aggregate calculation.

(2) Signs shall not exceed five (5) feet in height measured from the average grade at the base of the sign.

(3) No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

(4) No sign shall be illuminated or painted with light reflecting paint.

(5) A sign shall only be posted with the consent of the property owner or occupant. Signs posted in the public right of way may only be posted with the permission of the person or entity that has a duty to maintain such section of the right of way. Provided further, no temporary sign shall be placed closer than 5 feet to edge of the pavement or curb of the street.

(6) All temporary signs must be maintained in a state of good repair.

(C) Removal or Replacement of Temporary Signs:

(1) The person who has posted or directed the posting of the sign is responsible for the removal or replacement of that sign.

(2) If that person does not remove or replace the sign in accordance with these regulations, then the property owner or occupant of the building or lot where the sign is posted is responsible for the sign's removal or replacement.

(D) Obscene Materials.

Obscene signs, flags, banners, or any sign of any type are prohibited. "Obscene" is defined as any material that (1) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (3) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

SECTION 2. That the existing Section 16-4-6 of the Leawood Development Ordinance is hereby repealed.

SECTION 3. This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of Ordinance sections, as provided herein above shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 21st day of June, 2010.

APPROVED by the Mayor this 21st day of June, 2010.


Peggy J. Dunn, Mayor

ATTEST:


Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:


Franki Parsons Shearer, Assistant City Attorney

ORDINANCE NO. 2449

AN ORDINANCE AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE BY AMENDING SECTION 16-9-257 ENTITLED "SIGNS" PERTAINING TO THE DEFINITION OF TEMPORARY SIGNS [PC CASE 86-09].

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. That Article 9 of the Leawood Development Ordinance is hereby amended to read as follows:

16-9-257 Signs

Address Sign – Any sign that denotes a building's postal address.

Animated Sign – Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.

Awning Sign – Any visual message incorporated into an awning.

Banner – Any sign that is made of cloth, canvas, plastic, or other flexible material.

Builder or Construction Sign – Any sign located upon a lot where a structure is under construction and which contains information identifying the builder of the structure.

Canopy Sign – A sign that is attached to or incorporated into a canopy.

Changeable Copy Sign – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged (either manually or automatically) without altering the face or the surface of the sign.

Directional Sign – An on-premise sign providing directional information for the safe and efficient flow of pedestrian or vehicular traffic. Directional signs shall include signs marking entrances, exits, parking and loading areas, and other operational features, but not including logos, names or other commercial information.

Directory Sign – Any structure summarizing businesses within a complex and identifying business locations.

Double-faced Sign – A sign with two faces or panels, neither of which is visible at the same time, and are directly back-to-back.

Electronic Display Sign – Any sign on which the copy changes automatically via a lamp-bank, liquid crystal display, television screen, or by any other mechanical, digital, or electronic means.

Exposed Neon Sign – Any sign that incorporates neon lit tubing on its exterior surface, which makes it clearly visible to the naked eye.

Flashing Sign – Any sign that is internally or externally illuminated by flashing, flowing, alternating, or blinking lights.

Freestanding Sign – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structure.

Garage Sale Sign – A sign, placed upon a residential lot, that conveys information about a garage sale.

Government Sign – Any sign erected and maintained by the City, County, State, or Federal government.

Height, Sign – The vertical distance measured from the highest point of the sign to the average ground grade beneath the sign.

Indirectly Illuminated Sign – Any sign that is partially or completely illuminated at any time by a light source that is shielded so as not to be visible at eye level.

Inflatable Sign – Any sign or display designed or constructed with the ability to be mechanically filled with a gas or any other material.

Informational Sign – Any sign (to include but not be limited to political campaign signs) that advertises a political party, personal belief, issue or candidate.

Internally illuminated Sign – Any sign illuminated by diffused light through a translucent material so that the light source is not directly discernible.

Lease/For Rent Sign – Any sign, located on residential, commercial, or agricultural property, which advertises or identifies the parcel as being for lease or rent.

Light Pole Banner – Any banner sign designed to hang from a utility pole that is securely attached with brackets such as the BannerFlex II system or other such equivalent device.

Marquee Sign – Any sign attached flat against or under the canopy of a building, but not on the upper surface of a canopy.

Monument Sign – A sign supported directly by the ground which is made of stone, concrete, metal, routed wood planks or beams, brick, or similar materials that is not connected to or joined with any other building or structure.

Non-conforming Sign – A sign that was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Off-site Sign – Any sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is placed.

Painted Wall Sign – A sign that is applied with paint or colored substances directly on the face of a wall.

Permanent Sign – Any wall, canopy, or monument sign, which is constructed of durable materials and is intended to be displayed for an indefinite period of time.

Pole Sign – A sign that is elevated above ground and that exposes the “pole” or other support device or allows view through the space between the sign and the ground.

Portable Sign – Any sign, whether on its own trailer, wheels, or otherwise designed to be movable and not structurally attached to the ground, a building, or any other structure or sign.

Real Estate/Developer Sign – A sign, located on either residential, commercial, or agricultural property, which advertises or identifies the parcel as being for sale.

Roof Sign – Any sign erected and constructed wholly on the roof of a building, supported by the roof structure.

Rotating Sign – Any sign that revolves, spins, turns, or moves in any fashion.

Temporary Sign – A sign that is intended to be posted for a temporary period of time on public or private property, and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic and/or wall board and does not constitute a structure subject to the City’s Building Code or this Ordinance

Time and Temperature Device – A device or sign electronically displaying time and/or temperature information.

Wall Sign – Any sign attached flat against the surface of an exterior wall or facade of a building, but not projecting horizontally from the vertical wall surface more than 12 inches, which is supported by the wall and which displays only one sign surface.

Window Sign – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 2. That the existing Section 16-9-257 of the Leawood Development Ordinance is hereby repealed.

SECTION 3. This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of Ordinance sections, as provided herein above shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application

thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 21st day of June, 2010.

APPROVED by the Mayor this 21st day of June, 2010.



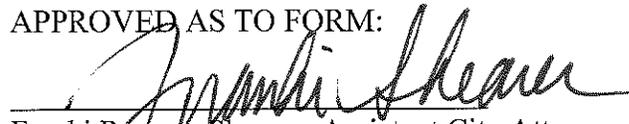
Peggy J. Dunn, Mayor

ATTEST:



Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:



Franki Parsons Shearer, Assistant City Attorney