

ORDINANCE NO. ZRR-2427

AN ORDINANCE RELATING TO THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 18.110.560, 18.410.100, 18.440.020, 18.440.030, 18.440.040, 18.440.050, 18.440.060, 18.440.070, 18.440.080, 18.440.100, AND 18.440.110; ADDING NEW SECTION 18.440.055.

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

SECTION 1. Overland Park Municipal Code Section 18.110.560 is hereby amended to read as follows:

18.110.560 Sign

“Sign” means any surface or object which is used to display or which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, and which is sufficiently visible to persons located outside of any building to attract the attention of such persons or to communicate information to them. A single “sign” shall include all related sign elements on the same business façade or structure. Sign elements are related if they are all constructed in a similar manner and are located so that the maximum horizontal or vertical separation is no more than one-third the respective sign width, depth or height. “Sign” includes sign supports.

“Attention attracting device” means any device with flashing, blinking, rotating or moving action, or any banner, searchlight or balloons designed or intended to attract the attention of the public to an establishment or to a sign.

“Business,” as used in reference to sign regulations, means a commercial or industrial establishment, a public or private organization or agency, or a similar organizational entity operating independent of other such businesses on the same site. A business shall be considered independent of other businesses on the same site if it: (1) has its own exterior entry that leads directly to its own interior space that is physically defined and can be physically separated from the interior space of any other business, (2) has its own employees that are scheduled and supervised separately from any adjacent business, (3) has separate cash registers or payment systems for any merchandise that is sold or service that is rendered, and (4) has separate storage, processing or fabrication areas from any adjacent business.

“Business Facade” means the portion of the building facade that is directly adjacent to the tenant space or building floor area occupied by that business. “Business facade” shall include parapet walls, canopies, towers or similar building features that are directly adjacent to the tenant space or building floor area occupied by that business and clearly associated with that business space, but shall not include facade area that is associated with building floor area that is vacant or occupied by another tenant. No part of a building may be counted as part of more than one business facade. Where a business utilizes more than one building or structure, or occupies a building with multiple building

surfaces or planes, the “business facade” shall be equal to all of the building surfaces that are oriented in the same direction or within 45 degrees of the same direction.

“Detached sign” means any sign located on the ground or on a structure located on the ground and not attached to a building.

“Directly illuminated sign” means any sign where the source of illumination of the sign, such as, but not limited to, an incandescent bulb, neon tube or florescent tube, is visible to a person standing on the ground, excepting lighting that has been approved by the Planning Commission or City Council as architectural lighting for the building.

“Electronic Message Panel” means any sign or portion of a sign where the sign content or graphic display is designed to be changeable or moveable by electronic, electro-mechanical or optical means.

“Indirectly illuminated sign” means any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

“Internally illuminated sign” (or “backlighting sign”) means any sign which is illuminated from a light source located inside or behind the sign face and where light is transmitted through a translucent material that is part of the sign face or surface surrounding the sign face.

“Marquee sign” means any sign attached flat against or under the marquee or permanent sidewalk canopy of a building, but not on the upper surface of a marquee or canopy.

“Monument sign” is a detached sign where the width of the base of the sign is a minimum of one-half the width of the widest part of the sign face or where the base consists of 2 or more supports where the sign face is not more than 2 feet above the average grade of the ground. The materials of the base of a monument sign shall be one of the following: masonry, wood, anodized metal, stone or concrete.

“Neon sign” means a directly illuminated sign or display which is a free-formed surface or tubular shape that creates words, numerals, figures, devices, designs, trademarks or logos, and for which the light source is luminescent gas.

“Nonconforming sign support” means the supporting members of the sign such as frame, poles, brackets or structure by which a sign is mounted on or affixed to a building or the ground which do not comply with the standards established in Chapter 18.440 and Overland Park’s adopted building codes.

“Obsolete sign” means a commercial sign for a business or activity which is no longer operated on the premises.

“Outdoor Advertising” means any sign with a sign content that refers to a business, organization, product or service that is not located or available on the site where the sign

is located. “Outdoor advertising” includes signs affixed or painted onto structures such as benches and shelters, and freestanding signs commonly referred to as billboards or poster panels.

“Pole Sign” means a detached sign with one or more vertical supports that does not meet the definition of a “monument sign.”

“Portable Sign” means a sign that is designed to be readily moveable from location to location either by being carried or by being towed or pulled.

“Political sign” means a sign relating to a candidate, political party, ballot issue, or other political issue to be voted upon in any public election, or relating to the expression or communication of constitutionally protected speech, other than commercial speech, and excluding any permitted billboard.

“Poster panel” or “billboard” means a sign, generally known as outdoor advertising, mounted on a permanent or semi-permanent structure and depicting information not directly related to the property upon which it is placed. Except where a specific distinction is drawn, the term “billboard” includes “poster panel.”

“Project identification sign” means a sign identifying primarily the name of a residential subdivision, multi-family residential project, or an office, industrial or business park.

“Projecting sign” means any sign, including a time and/or temperature instrument located on the face of the building, extending more than one foot from the face of the building to which it is attached.

“Roof sign” means any sign erected, constructed and maintained wholly upon or over the roof of the building and having the roof as a principal means of support.

“Sign Area” shall be calculated as the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign elements and any internally illuminated or backlighted panel, fabric or similar material not approved by the Planning Commission as an architectural design element. “Sign area” shall also include cabinets, background panels or colors that are part of the sign installation and not part of the building architecture or supporting sign base. Where a sign consists of more than one sign face, “sign area” shall be equal to the size of the largest single sign face.

“Sign Face” means the surface of a sign that is separated from the front of any other sign face on the same sign structure by an exterior angle of at least 270 degrees.

“Snipe sign” means any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, window, tree, utility pole, portable stand or temporary structure, or any sign which is not securely fastened to a building or firmly anchored to the ground, excluding permitted political signs or real estate signs.

“Time and/or temperature instrument” means a sign displaying only time and/or temperature information with no additional advertising or comments.

“Wall Sign” means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on or projected on the walls of buildings. “Wall sign” shall include signs attached to canopies, awnings, mansard roofs or similar near-vertical elements of a building façade, but which are not part of the building roof. Wall signs shall not contain elements that extend above the wall surface on which they are mounted.

SECTION 2. Overland Park Municipal Code Section 18.410.100 is hereby amended to read as follows:

18.410.100 Nonconforming signs

- A. Subject to the remaining restrictions of this section, and the provisions of Section 18.410.080, nonconforming signs that were otherwise lawful on the effective date of this ordinance may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced, and the message may not be changed, except to bring the sign into complete conformity with this ordinance, except for “sign maintenance” as defined in Section 18.110.570
- D. Subject to the other provisions of this section, nonconforming signs may be maintained and repaired so long as the cost of such work within any 12-month period does not exceed 50% of the value (tax value if listed for tax purposes) of such sign. No such work shall be done without the person proposing to do such work first submitting such information as may be required to satisfy the Code Administrator that the cost of such work would not exceed 50% of the value of the sign.
- E. 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 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.
- F. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is “blank” if:

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 message it displays becomes illegible in whole or substantial part; or
 3. The advertising copy paid for by a person other than the sign owner or promoting an interest other than the rental of the sign has been removed.
- G. Sales or leasing signs existing on the effective date of this ordinance which do not conform to the requirements of subsections 18.440.070D or 18.440.080C, and which were not previously in compliance with applicable regulations, shall be removed by November 1, 2004.

SECTION 3. Overland Park Municipal Code Section 18.440.020 is hereby amended to read as follows:

18.440.020 Generally

Other than lawful nonconforming signs, no signs shall be permitted in any district except in accordance with the provisions of this chapter. Any sign for which a permit is required is allowed to maintain non-commercial speech in addition to or in lieu of any other speech. Signs placed in the public right-of-way or on publicly owned land and which are not in compliance with the regulations of this chapter are subject to removal by the City without notice or compensation. Signs placed on private property that are not in compliance with the regulations of this chapter are subject to removal by the property owner or the property owner's agent without notice or compensation. In addition, any sign that is not in compliance with the regulations of this chapter is subject to the penalty provisions of Section 18.100.110. These provisions may be applied to the person or business placing such sign, business or organization advertised in such sign, or the owner of the property or vehicle on which the sign is placed.

SECTION 4. Overland Park Municipal Code Section 18.440.030 is hereby amended to read as follows:

18.440.030 Permit required

Except as otherwise provided in this chapter, no sign shall be installed, erected or set in place until a sign permit has been issued by the Director of Planning and Development Services, or his or her designee, in accordance with Chapter 18.130. All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the sign permit issued therefor.

SECTION 5. Overland Park Municipal Code Section 18.440.040 is hereby amended to read as follows:

18.440.040 Signs excluded from regulation

Except for the provisions of subsections A, B, C and D of Section 18.440.055, the following signs do not require sign permits and are exempt from the requirements of other sections in this chapter:

- A. Signs not exceeding 4 square feet in area that are customarily associated with residential use, limited to signs giving property identification names or numbers, names of residents, signs on mail-boxes or newspaper tubes, signs posted on private property relating to private parking or signs warning the public against trespassing or danger from animals; and other noncommercial signs not exceeding one square foot in area.
- B. Signs erected by or on behalf of, or pursuant to the authorization of, a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
- C. Official signs of a noncommercial nature erected by public utility companies.
- D. Flags, pennants or insignia of any governmental body when not displayed in connection with a commercial promotion or as an advertising device. Provided, however, that in any planned zoning district or in any district requiring site plan approval, the construction or installation of any pole, bracket or similar device designed to be used for the display of any flag for more than occasional, temporary use shall be subject to either Final Development Plan approval or Site Plan approval by the City.
- E. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- F. Signs on or adjacent to doors of commercial or industrial buildings displaying information such as the names and address of the occupant, the hours of operation, or instructions for deliveries. Such signs shall not exceed 4 square feet in area, shall not contain letters exceeding 6 inches in height and shall not be illuminated. Where multiple tenants share the same rear door, the sign may display the names and address of each tenant.
- G. Signs on the face of a vending machine or product dispenser that refer to the product being sold or dispensed, or provide instructions for machine use. In addition, one sign not exceeding 4 square feet in area and containing information on the product being sold or dispensed or on products available on the same site may be attached to a vending machine or product dispenser.
- H. Signs of a temporary nature affixed to or painted on the inside surface of a window, provided that such signs are not illuminated.
- I. Signs at a construction site that are either: (1) posted at the entrance to the job site explaining rules for contractors and others entering the site; or (2) painted onto construction trailers actively being used on the site, provided such signs are limited to the name, logo, address and phone number of a contractor working at the site. This provision is not intended to allow any signs that advertise a particular project, developer, owner or other business, nor is it intended to allow any sales, leasing or hiring information to be displayed.

SECTION 6. Overland Park Municipal Code Section 18.440.050 is hereby amended to read as follows:

18.440.050 Prohibited signs

The following signs are prohibited except as stated below or as otherwise specifically provided hereinafter:

- A. Outdoor advertising (such as poster panels, billboards, off-site directional signs and off-site promotional signs), except where a special use permit has been obtained for such sign.
- B. Attention-attracting devices, pennants and streamers; except where a Special Event Permit specifically allowing such devices has been obtained.
- C. Snipe signs, portable signs or similar signs that are not permanently affixed to a building, structure or the ground, other than political signs, garage sale signs and real estate signs as specifically permitted by this chapter, or signs specifically allowed by a Special Event Permit.
- D. Directly illuminated signs, except to the extent specifically authorized in this chapter.
- E. Electronic message panels, except for time and/or temperature instruments.
- F. Pole signs.
- G. Roof signs.
- H. Signs in the public right-of-way; except for governmental signs, traffic signs, political signs as provided for in Section 18.440.130, and signs specifically allowed in the right-of-way by the provisions of this chapter.
- I. Obsolete signs.
- J. Abandoned nonconforming signs.
- K. Signs containing obscene messages.
- L. Signs containing false or misleading advertising.
- M. Signs falsely stating that property is zoned for specified land uses or signs stating that property will be zoned for specified land uses in the future.
- N. Signs declaring that property is reserved for or is being held for a future land use which is inconsistent with the then existing zoning classification for the land.

SECTION 7. Overland Park Municipal Code Section 18.440.055 is hereby added to read as follows:

18.440.055 Additional regulations applicable to all districts

- A. No sign may be located such that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets or driveways.
- B. No sign may be erected such that by its location, color, size, shape, nature or message it would tend to obstruct the view of, or be confused with, traffic signals or other signs erected by governmental agencies.
- C. Freestanding signs, other than political signs permitted by Section 18.440.130, shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Sign structures may be required to have a building permit.
- D. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the Director of Planning and Development Services deems them a public hazard or nuisance, such signs shall be ordered repaired or removed.
- E. No part of any sign shall be located closer than 10 feet from a side or rear property line.
- F. Time and/or temperature instruments may be permitted provided they are designed in harmony with the building and are architecturally compatible. Such signs shall be approved by the Planning Commission.
- G. Any backlighted sign, canopy or panel shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other such regulations controlling such signs.
- H. Any wall sign shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other regulations controlling such signs.

SECTION 8. Overland Park Municipal Code Section 18.440.060 is hereby amended to read as follows:

18.440.060 Signs permitted in all districts

- A. Churches, schools, libraries, community centers or other public/semi-public facilities shall be allowed signs as follows:
 - 1. Facilities with a land area of 10 acres or less shall be allowed two wall signs, with

not more than one on a façade. No such sign shall have an overall area exceeding 32 square feet. In lieu of one of the wall signs, one detached monument sign shall be permitted. Such monument sign shall be located on the premises and not less than 10 feet from the street right-of-way, and each sign face shall not exceed 32 square feet in area. The height of such sign shall not exceed 5 feet above the average grade; provided, that for each 2-foot setback from the street right-of-way in excess of 10 feet, an additional foot may be added to the height of the sign to a maximum of 8 feet.

2. Facilities with a land area of more than 10 acres shall be allowed three wall signs, with not more than one on a façade. No such sign shall have an overall area exceeding 50 square feet. In lieu of one or two of the wall signs, one or two detached monument sign(s) shall be permitted, one per street frontage, provided that the total number of signs for the facility shall not exceed three. Such monument sign(s) shall be located on the premises and not less than 10 feet from the street right-of-way, and each sign face shall not exceed 50 square feet in area. The height of such sign shall not exceed 5 feet above the average grade; provided, that for each 2-foot setback from the street right-of-way in excess of 10 feet, an additional foot may be added to the height of the sign to a maximum of 8 feet.
3. In lieu of the signs that would otherwise be permitted by the standards above, the owners of an educational or religious campus may apply to the Planning Commission for approval of a sign package following the guidelines and procedures set out in Section 18.440.090. For the purposes of this section, an educational or religious campus shall mean a contiguous land area used or managed by a single organization whose primary function is to provide religious services or educational instruction to the community, where such contiguous area contains 25 acres or more of land and where there are at least two buildings, each over 5,000 square feet in floor area, constructed on the site or approved for the site by a preliminary development plan.

B. Contractors' identification signs identifying the contractor(s) performing new construction, remodeling or property improvement work are permitted on the property where the construction work is taking place. Such signs may contain the contractor's name, logo, address, phone numbers, the nature of the work being performed and related information.

1. For construction projects other than those involving a single-family or two-family residence, one major contractors' identification sign shall be permitted for each street frontage, provided that a maximum of three such signs are permitted for any single construction project. Where an independent construction project is taking place concurrently within a larger project (e.g., a pad site building within a larger shopping center), an additional major contractors' identification sign shall be permitted on the site of the smaller project or the contractor information for the smaller project may be included on the signs for the larger project.

Such signs shall not exceed 8 feet in height or 32 square feet in area per face, with a maximum of two faces. Such signs shall be set back at least 20 feet from any property line. Such signs shall not be erected until a building permit has been issued for the construction work that the contractor is to perform and the sign shall be removed from the site as soon as a certificate of occupancy or certificate of compliance has been issued for the last building in each phase of the project.

2. For all construction projects, one minor contractors' identification sign shall be permitted on the site where the work is being performed for each contractor not identified with a major contractors' identification sign. Such sign shall not exceed 6 feet in height or 8 square feet in area per face, with a maximum of two faces. Such signs shall be set back at least 10 feet from any property line. No sign permit shall be required for minor contractors' identification signs. Such signs shall not be erected until the work has started and shall be removed when the work is completed.

One parking lot directional sign shall be permitted at each entrance to a building site, at key intersections within the site and at each entrance to a drive-through facility. Ground mounted signs shall not exceed 5 feet in height, shall not exceed 4 square feet of sign area per face, and may be single- or double-faced. Wall mounted signs shall not exceed 2 square feet of sign area, shall be single faced and may be located adjacent to drive-up windows, loading docks or service entrances. Such signs may indicate entrances, exits, addresses, direction of traffic flow, and the location of loading docks, parking areas, leasing offices, ATMs, delivery doors, drive-through lanes and similar facilities. Up to 25 percent of the area of the sign may be used to display the name or logo of the developer, building, project name or principal tenant.

D. One corporate flag for a business or organization may be displayed in conjunction with at least one flag of a governmental body. Provided, however, that in any planned zoning district or in any district requiring site plan approval, the construction or installation of any pole, bracket or similar device designed to be used for the display of any flag for more than occasional, temporary use shall be subject to either Final Development Plan approval or Site Plan approval by the City. Sign permits shall not be required for such flags.

E. Off-site real estate directional signs are permitted subject to the following requirements:

1. Sign area shall not exceed three square feet per face with a maximum of 2 faces per sign;
2. Sign height shall not exceed four feet;
3. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property;
4. Signs may not be placed in any street right-of-way, median, highway interchange,

public park or at other publicly owned facilities;

5. Signs permitted by this provision are limited to a period of time each week starting on Fridays at 6 a.m. and ending on the following Sunday at 9 p.m.; and
 6. Real estate directional signs are limited to individually owned residential units that are for sale or for rent, and cannot be used to advertise subdivisions, housing projects, model homes, commercial developments, apartments or vacant land.
- F. Off-site garage sale directional signs are permitted subject to the following requirements:
1. Sign area shall not exceed three square feet per face with a maximum of 2 faces per sign;
 2. Sign height shall not exceed four feet;
 3. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property;
 4. Signs may not be placed in any street right-of-way, median, highway interchange, public park or at other publicly owned facilities;
 5. Signs permitted by this provision are limited to the days that the garage sale is in progress; and
 6. Garage sale directional signs are limited to sales of used household furniture, clothing, appliances and similar household items, but not including the sale of motor vehicles, recreational vehicles, boats, new merchandise, or any product or service associated with a home occupation.

SECTION 9. Overland Park Municipal Code Section 18.440.070 is hereby amended to read as follows:

18.440.070 Signs permitted in District A and residential districts

- A. One nonilluminated, detached real estate sign is permitted on any lot. Such sign shall be not more than 8 square feet in area with a maximum height of 6 feet above grade. Such signs are permitted only on property that is actively being offered for sale, for rent or for lease and such signs shall not contain information about other property that is for sale, rent or lease. Lots larger than one acre in size are permitted one sign per street frontage, up to a maximum of three signs. Such signs are limited to indicating that property is “for sale”, “for rent” or “for lease”, and may include the name and phone numbers of real estate agents or companies, and brief descriptions of the property. Sign permits shall not be required for such signs.
- B. In lieu of any sign permitted under subsection A, a structure being used as a residential real estate sales office may be permitted one nonilluminated, detached sign. Such sign

shall be not more than 12 square feet in area with a maximum height of 6 feet above grade, and shall be set back a minimum of 10 feet from the street right-of-way. Sign permits shall not be required for such signs.

- C. Construction site identification signs may be permitted during the development of any project permitted in District A and all residential districts. Such signs may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, contractors and subcontractors involved, or funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one detached, nonilluminated construction site identification sign shall be permitted for each 1,000 feet of perimeter street frontage or portion thereof. If a development has more than one street frontage, then a separate development sign may be permitted on each frontage, provided that a maximum of three major construction site identification signs shall be permitted for any development. Such signs shall not exceed 8 feet in height or 32 square feet in area per face, with a maximum of two faces, and shall be set back at least 20 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way over 20 feet, the area per face may be increased one square foot, to a maximum of 100 square feet. For each additional 10-foot setback from the street right-of-way over 20 feet, the height may be increased six inches, to a maximum of 12 feet above average grade. All such signs for residential projects shall be removed when certificates of occupancy, temporary or final, have been issued for 90 percent of the dwelling units in the project. All such signs for non-residential uses shall be removed prior to issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project.

- D. Upon removal of construction site identification signs for a multi-family project or congregate care facility, a permanent sales or leasing sign may be constructed or placed on the property. Said permanent leasing sign shall be nonilluminated, may be single- or double-faced, shall not exceed 5 feet in height, and shall not exceed 20 square feet of sign surface per face. Such sign shall be set back a minimum of 20 feet from the public right-of-way. Any such signs may only contain the words "now renting" or "now leasing" or "for sale," along with the name of the complex, address or location, phone numbers, development company or owner and directional symbols or similar information.

- E. Project identification signs for a subdivision or residential project may be permitted at each entrance to the subdivision or project. All project identification signs shall be located on the premises of the subdivision or residential project, or in the public right-of-way directly adjacent to such subdivision or residential project as hereinafter provided. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. In addition to project identification

signs permitted at entrances to the subdivision or project, project identification signs may be permitted on the premises adjacent to the intersection of two thoroughfares or the intersection of a thoroughfare and a collector street.

Project identification signs shall be either a monument sign or a pole-mounted sign and shall be either single or double faced. Monument signs shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base. Pole-mounted signs shall not exceed 12 feet in height measured from the average grade to the top of the sign panel. The pole or post that the sign is mounted on may exceed the 12-foot height limit if it supports one or more streetlight fixtures. The size of the sign face for pole-mounted signs shall not exceed 10 square feet per face.

The content of a project identification sign shall be limited to the name of the residential subdivision or project, provided that monument signs may include an area of up to 4 square feet in size that contains the name of the developer, or information relating to a permanent leasing office. Such supplemental information shall be clearly subordinate to the name of the subdivision or project and shall be located at or near the bottom of the sign area.

- F. Non-residential uses such as churches, schools or community centers are permitted one “Now Enrolling” sign for day care centers, preschools, mother’s day out programs, school sessions or similar programs. Such sign shall be not more than 8 square feet in area per face with a maximum height of 6 feet above grade and shall not be displayed for more than one, 30-day period in any 3-month period of time. Sign permits shall not be required for such signs.
- G. Garage sale or estate sale signs are permitted at the site of such sale during the dates of the sale and up to three days prior to the sale. Such signs shall be no more than 8 square feet in area per face with a maximum of two faces per sign. One sign is permitted per street frontage and all such signs shall be located on private property. Such signs may be used to advertise only sales that comply with the requirements of OPMC Section 5.44 and cannot be used to advertise the sale of motor vehicles, recreational vehicles, boats, new merchandise, or any product or service associated with a home occupation.

SECTION 10. Overland Park Municipal Code Section 18.440.080 is hereby amended to read as follows:

18.440.080 Signs permitted in commercial, downtown and industrial districts

- A. To the extent that the residential land use is permitted in a commercial or industrial district, signs for a residential land use shall be permitted as in the applicable residential district.
- B. Construction site identification signs.

Major construction site identification signs may be permitted during the development of any project, including projects in residentially zoned areas. Such signs may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one detached nonilluminated major construction site identification sign shall be permitted for each perimeter street frontage. If a development has more than one street frontage, then a separate major construction site identification sign may be permitted for each frontage, provided that a maximum of three major construction site identification signs shall be permitted for any development. Such signs shall not exceed 8 feet in height or 32 square feet in area per face, with a maximum of two faces, and shall be set back at least 20 feet from the street right-of-way. For each additional 1 foot setback from the street right-of-way over 20 feet, the area per face may be increased one square foot, to a maximum of 100 square feet. For each additional 10-foot setback from the street right-of-way over 20 feet, the height may be increased 6 inches, to a maximum of 12 feet above average grade. All such signs shall be removed prior to the issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project.

C. Sales or leasing signs.

Upon removal of construction site identification signs for a commercial or industrial project, one sales or leasing sign may be constructed or placed on the property for each building that is for sale or has space for lease. Said signs shall be non-illuminated, may be single- or double-faced, and shall be located a distance of 10 feet from any property line. For signs located 50 feet or more from the pavement edge of the nearest public street (excluding public frontage roads parallel to a limited access roadway), the maximum size shall be 32 square feet per face, the maximum height shall be 10 feet above grade, and v-shaped signs shall be permitted provided the internal angle of separation does not exceed 90 degrees. For signs located less than 50 feet from the pavement edge of the nearest public street, the maximum size shall be 20 square feet, the maximum height shall be 6 feet above grade, and v-shaped signs are not permitted. Any such signs may contain the words "now renting," "now leasing," "for sale," or similar language, along with the name of the project, address or location, phone numbers, development company or owner and directional symbols. Sign permits shall not be required for such signs. Signs permitted by this section shall be set back a minimum of 10 feet from the right-of-way of public streets or the curb line of private streets. In the case of vacant land, one sign facing each street frontage shall be permitted advertising the sale of that land, provided that all such signs shall meet the size, height and setback requirements listed above and that signs advertising the same property shall be separated by at least 200 feet.

D. Districts C-0, CP-0, BP, M-1, MP-1, M-2 and MP-2.

Office parks, business parks, industrial parks or other similar groupings containing a minimum of 4 buildings and 10 acres of land may have project identification signs as

permitted below. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises at least 10 feet from the street right-of-way. Such signs shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face if located 10 feet from the street right-of-way. For each additional 2-foot setback from the street right-of-way over 10 feet, one additional foot may be added to the height of the sign, to a maximum of 20 feet, and 4 square feet may be added to the area of the sign, to a maximum of 100 square feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in the public or private street right-of-way with the approval of the Planning Commission. Where a project identification sign is to be located in the public or private street right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. In addition to project identification signs permitted at entrances to the project, project identification signs may be permitted on the premises adjacent to the intersection of two thoroughfares or the intersection of a thoroughfare and a collector street.

The content of a project identification sign shall be limited to the name of the office, industrial or business park, provided that such signs may include an area of up to 4 square feet in size that contains the name of the developer, or information relating to a permanent leasing office. Such supplemental information shall be clearly subordinate to the name of the subdivision or project and shall be located at or near the bottom of the sign area.

E. Districts C-0 and CP-0.

1. In Districts C-0 and CP-0, not more than 3 wall signs shall be permitted on each office building, no more than one sign on any facade. No such sign shall have an overall area exceeding 5% of the area of the wall upon which it is mounted.
2. In lieu of one of the wall signs, one detached monument sign for each building shall be permitted. Such sign shall not exceed 5 feet in height above the average grade and the sign face shall not exceed 50 square feet in area per face if located at least 10 feet from the public street right-of-way or private street curb line. For each additional 2 foot setback from the public street right-of-way or private street curb line over 10 feet, one additional foot may be added to the height of the sign, to a maximum of 10 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base.
3. In addition to signs permitted above, a wall directory sign containing the names and addresses of tenants may be installed by each exterior entrance to the

building. No such sign shall exceed 4 square feet in area.

F. Districts C-1 and CP-1.

1. Each business or commercial establishment shall be permitted not more than 3 wall signs, not more than one on each business facade. The area of such sign shall not exceed 5 percent of the total area of the business facade on which it is placed. Alternatively, multi-story buildings may be permitted three wall signs per building, not more than one sign per building facade, as indicated above for Districts C-O and CP-O. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In addition, one nonilluminated wall sign, not more than 9 square feet in area, may be placed at each major entrance to a multi-tenant building.
2. In lieu of one wall sign, one projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than 3 feet from the face of the building.
3. Except in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted in lieu of one wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in Districts C-0 and CP-0.
4. In the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign may be permitted identifying the entire center. Such sign shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face if located 10 feet from the public street right-of-way or private street curb line. For each additional 2-foot setback from the public street right-of-way or private street curb line, one additional foot may be added to the height of the sign to a maximum of 10 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base.
5. For buildings with a non-retractable awning, canopy or covered walkway along one or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway, and shall not exceed 3 square feet in sign area per face. One sign shall be permitted per business entry.

G. Districts C-2, CP-2, C-3, CP-3 and industrial districts.

1. Each business or commercial establishment shall be permitted not more than 3

wall or marquee signs, not more than one on each business facade, the area of which sign shall not exceed 10% of the total area of the facade upon which it is placed. Such sign shall not extend above the height of the wall or marquee on which it is mounted. Any sign painted directly upon the wall surface shall not exceed 10 square feet in area. In addition, one nonilluminated wall sign, not more than 9 square feet in area, may be placed at each major entrance to a multi-tenant building. Alternatively, multi-story buildings may be permitted three wall signs per building, not more than one sign per building facade, as indicated above for Districts C-O and CP-O.

2. In lieu of one of the attached signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign shall not exceed 10% of the total area of the facade upon which it is attached, and shall not extend above the roof level of the building where the sign is located.
3. Except in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign. Such sign shall not exceed 10 feet in height above the average grade and the sign face shall not exceed 100 square feet in area per face if located not less than 10 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way, one additional foot may be added to the height of the sign to a maximum of 20 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base.
4. In the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached sign may be permitted identifying the entire center. A gasoline service station, designed as part of the center, may also have a detached monument sign. All other signs in the center shall consist of wall, projecting or marquee signs. The detached monument sign shall not exceed 10 feet in height above the average grade, and the sign face shall not exceed 100 square feet in area per face if located 10 feet from the public street right-of-way or private street curb line. For each additional one-foot setback from the public street right-of-way or private street curb line, one additional foot may be added to the height of the sign to a maximum of 20 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base. In the case of a regional shopping center containing at least 400,000 square feet of floor area and having frontage on two thoroughfares, one detached sign identifying the shopping center may be permitted for each thoroughfare frontage.
5. Drive-through restaurants and car washes may have 2 menu boards located in conjunction with each drive-through lane. Such sign shall not exceed 8 feet in height or 32 square feet of sign area per face. Drive-in restaurants or food service

establishments with walk-up service windows may have 1 menu board per order station. Menu boards for drive-in service shall not exceed 8 square feet of sign area per face and menu boards for walk-up service shall not exceed 32 square feet of sign area per face. All menu boards shall be oriented toward the location of the vehicle or pedestrian being served and shall not contain lettering that exceeds 6 inches in height.

6. In the case of three or more new car dealerships in a unified development, the following signage shall be permitted subject to the approval of a sign criteria by the Planning Commission prior to the issuance of any sign permits. The criteria shall establish uniformity in the design of all signs within the development.
 - a. One monument sign, to identify the development and the dealers, shall be permitted at each thoroughfare or highway adjacent to a car dealership within the defined boundary of the car dealership use. Such sign shall not exceed 10 feet in height above the average grade and the sign face shall not exceed 100 square feet in area per face if located 10 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way, one additional foot may be added to the height of the sign to a maximum of 20 feet. The signs shall be architectural in nature, located within a heavily landscaped area and shall be constructed of materials which provide a direct visual tie to the architecture of the development through the use of matching forms, colors and materials.
 - b. In addition, each new car dealership shall be permitted an individual monument sign to identify the dealership. Individual monument signs shall not exceed 50-square feet of sign area per face and 5 feet in height above average grade. A minimum 10-foot setback from the public street right-of-way is required. The signs shall be architectural in nature, located within a heavily landscaped area and shall be constructed of materials which provide a direct visual tie to the architecture of the development through the use of matching forms, colors and materials.
 - c. Each dealership shall be allowed three wall signs, not more than one on each building façade, the area of which sign shall not exceed 10% of the total area of the façade upon which it is placed.
7. For buildings with a non-retractable awning, canopy or covered walkway along one or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway, and shall not exceed 3 square feet in sign area per face. One sign shall be permitted per business entry.

H. Districts DD and CBD.

1. Each business or commercial establishment shall be permitted not more than three wall signs, not more than one on a facade, provided that the area of each sign shall not exceed 10% of the total area of the facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In lieu of one of the wall signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed 10% of the total area of the facade upon which it is attached, and does not extend above the roof level of the building where the sign is located.
2. In addition to the permitted wall signs, one pedestrian oriented sign per business entry shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to 3 square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of 7 feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than 3 square feet in area, may be placed on the wall at each major entrance to the building. The highest point of the sign may be no higher than seven (7) feet above the sidewalk.
3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.
4. On property zoned DD, monument signs are permitted subject to the following restrictions:
 - a. One detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign; provided however, that in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted for the entire center.
 - b. The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than 15 feet.

- c. Such sign shall not exceed 5 feet in height above average grade and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, which is equal to or greater than 200 square feet.
 - d. The minimum setback for the monument sign is 5 feet.
 - 5. Monument signs are not permitted in the CBD District.
 - 6. These districts are also subject to the provisions of Section 18.440.120.
 - 7. Signs on property in the DD or CBD districts are subject to the review and approval of the Downtown Development Review Board as outlined in Section 18.140.440.
- I. Districts C-1, CP-1, C-2, CP-2, C-3, CP-3, MS-1, MS-2, MD, SFD, DD and CBD. Where one retail establishment (the "sub-tenant") leases space and conducts business within another retail establishment (the "primary tenant") but does not have an exterior business facade and an exterior door leading directly to the sub-tenant space, one exterior wall sign may be permitted if the following conditions are met:
- 1. The sub-tenant's business establishment occupies at least 100 square feet of floor area, and is staffed and open for business during predetermined hours.
 - 2. The primary tenant's business establishment occupies at least 25,000 square feet of floor area.
 - 3. The sub-tenant's business is a separate legal entity from the primary tenant's business, as opposed to a department, division or subsidiary of the primary tenant's business.
 - 4. A sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for sub-tenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where sub-tenant signs are authorized showing the permitted locations for sub-tenant signs.
 - 5. The total area for all signs on the same facade does not exceed the allowable signage area for that district.

The sign permit application for a sub-tenant sign shall include a scale drawing of the primary tenant's facade showing the location and size of the sub-tenant sign and all other signage on that facade. The application shall also include a copy of the lease agreement between the sub-tenant and the primary tenant or other documentation acceptable to the Law Department that the two businesses are separate legal entities. The provisions of

this section for sub-tenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines.

- J. Neon signs or tubes shall be allowed only when they are placed inside a building, except as provided in Section 18.440.080.L. Neon signs or tubes shall be allowed only in Districts C-1, CP-1, C-2, CP-2, C-3, CP-3, DD, CBD, MS-1, MS-2, MD, SFD, M-1, MP-1, M-2 and MP-2. If such signs or tubes are within 48 inches of any window or door and visible from outside the building, then such sign or tubing shall not occupy an area greater than 10 square feet, and only one such neon sign area shall be allowed per business. In lieu of a neon sign, a single sign area not exceeding 10 square feet may be utilized for illuminated signs inside a building that do not consist of exposed neon tubes. All such neon signs or tubes shall not blink, flash, or otherwise be used to display intermittent lighting sequences or to simulate motion. Neon tubes or signs shall be installed, wired, and inspected in accordance with the adopted building codes of the City of Overland Park. Neon tubes used to illuminate a sign or a building, except as permitted above or as specifically permitted in the Downtown Districts, shall be hidden from view from any point on the ground by either an opaque or translucent material.
- K. Any neon signs or tubes existing prior to October 13, 1986, unless in violation of any other provisions of Chapter 18.440, shall be a lawful non-conforming sign. Any neon sign or tubes removed for other than repair shall not be replaced with any other sign or surface which is not in compliance with existing laws and requirements.
- L. Downtown Districts.
 - 1. Each business or commercial establishment, excluding businesses in a residential dwelling unit, shall be permitted not more than three wall signs, not more than one on a business facade, provided that the area of each sign shall not exceed 10% of the total area of the business facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In lieu of one of the wall signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed 20 square feet in area, and does not extend above the roof level of the building where the sign is located. Wall signs in Districts MS-1, MS-2, MD and SFD may consist of external neon tubes exposed to direct view, provided that such signs shall not move, blink, flash or simulate motion.
 - 2. In addition to the permitted wall signs, one pedestrian oriented sign per business entrance shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to 3 square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of 7 feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than 3 square feet in area, may be placed on the wall at each major entrance to the building. The highest point of the sign may be no higher than seven (7) feet above the sidewalk.

3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs located at a street or parking lot entrance shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3 feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. Residential projects using one or more common doorways to access the dwelling units may have a project identification sign mounted on the wall adjacent to each common entrance. Such sign shall not exceed 4 square feet in area. Mixed-use projects including at least 5 dwelling units and utilizing multi-story buildings may have a wall mounted project identification sign in lieu of monument signs. Such signs shall not exceed 20 square feet in area and no more than one sign shall be permitted per building facade, with a maximum of three signs per project.
4. On property where buildings are setback a minimum of 10 feet from the public right-of-way, monument signs are permitted subject to the following restrictions:
 - a. One detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign; provided however, that in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted for the entire center.
 - b. The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than 10 feet.
 - c. Such sign shall not exceed 5 feet in height above average grade and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, which is equal to or greater than 200 square feet.
 - d. The minimum setback for the monument sign is 5 feet.

M. Signs on Automated Teller Machines

In districts where automated teller machines (ATMs) are permitted, up to three signs are

permitted on the ATM machine, enclosure or canopy identifying the ATM or the bank, financial institution or ATM network associated with that machine. No more than one sign per machine, enclosure or canopy face is permitted. Such signs shall not exceed 8 square feet in area.

SECTION 11. Overland Park Municipal Code Section 18.440.100 is hereby amended to read as follows:

18.440.100 Signs on vehicles

- A. No vehicle (including trailers) shall be parked so that it functions primarily as a sign. The determination of whether a vehicle is being used primarily as a sign shall be based on the following questions: (1) Is the vehicle parked at a prominent location? (2) Can the sign be easily read by people driving by the sign? (3) Is the vehicle parked at the same or similar locations for several hours during the same day or for several days during the same week? and (4) Is there any stated or apparent reasons, other than signage purposes, that justify the vehicle being at that location? A vehicle shall be considered in violation of this provision if all of the first three questions can be answered in the affirmative and there is no compelling answer to the fourth question to justify the parking location as opposed to some less conspicuous location.
- B. Vehicles (including trailers) used as part of the normal function of a business or organization are permitted to have signs relating to that business or organization, subject to the following limitations:
 - 1. Signs must be painted directly on the body of the vehicle or securely mounted on the body of the vehicle; except that passenger cars used as taxicabs or delivery vehicles may have roof-mounted signs that extend above the body of the vehicle provided that such signs do not exceed three square feet in area per face. Roof-mounted signs must either be attached to the vehicle using adhesives, bolts or screws, or be removed whenever the vehicle is not being used for a business function. In no case shall signs be taped, strapped, hooked or tied onto a vehicle.
 - 2. Signs cannot be mounted on a framework attached to a vehicle, in the bed of a truck, or on an object carried by the vehicle. Signs cannot extend above the roof of a vehicle except as permitted by Subsection A.1 above.
 - 3. Paper signs, electronic message signs, fabric signs, changeable copy signs or signs with a scrolling mechanism to change messages are not permitted. Nor shall flags, pennants, streamers, balloons or other attention-attracting devices be attached to a vehicle.
 - 4. Where a rectangle enclosing all sign elements on any single side of a vehicle exceeds 16 square feet in area and the sign contains letters, numerals, symbols or logos equal to or exceeding 6 inches in height, such vehicle shall only be parked

at locations that are clearly related to the conduct of that business or organization and which minimize the visibility of the vehicular sign from the street right-of-way. When such vehicles are parked at or near the site of the business or organization, they shall be parked at a location that meets all of the following restrictions:

- a. No such vehicle shall park within 75 feet of any public street right-of-way classified as a freeway, thoroughfare or collector on the City's Official Street Map.
- b. No such vehicle shall park within a distance from the street right-of-way equal to half of the distance from the main entrance to the business or organization and the nearest right-of-way line of any public street right-of-way classified as a freeway, thoroughfare, or collector on the City's Official Street Map.

Where the restrictions of this subsection create clear practical difficulties regarding the availability of appropriate parking spaces or the functional requirements of the business, the Director of Planning & Development Services or his or her designee may permit an alternate parking location that is reasonably inconspicuous and lessens the practical difficulties. The provisions of this subsection shall not apply where (1) the vehicle is temporarily parked at a loading dock, (2) the vehicle is substantially hidden from view from any public street by buildings, fences, mature landscaping or similar objects such that the vehicle does not attract attention to or communicate information about the business or organization, (3) the vehicle is legally parked at the residence of the driver, (4) the vehicle is a contractor's trailer at the site of an active construction project or (5) the vehicle is available for rent as part of an equipment rental business and the content of the sign refers to the rental business only.

5. Except for a contractor's trailer or other construction vehicles at the site of an active construction project, all vehicles with signs must be parked on a hard-surfaced parking area or drive, or other parking surface approved by the City.

C. Sign permits are not required for vehicle signs.

SECTION 12. Overland Park Municipal Code Section 18.440.110 is hereby amended to read as follows:

18.440.110 Private sign criteria

All hotels and motor hotels, and shopping centers, business parks, office parks or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development.

Such criteria shall be binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this Code and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the Planning Commission has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed. Once a sign criteria has been approved, the Planning Commission may modify the sign criteria in whole or in part upon application by the property owner or an agent of the owner. Where the ownership of the development is divided among two or more entities, proposed amendments to the sign criteria must have written support from all owners or be specifically designed to affect only the property owned or represented by the applicant.

SECTION 13. Existing Overland Park Municipal Code Sections 18.110.560, 18.410.100, 18.440.020, 18.440.030, 18.440.040, 18.440.050, 18.440.060, 18.440.070, 18.440.080, 18.440.100, AND 18.440.110 are hereby repealed.

SECTION 14. This ordinance shall take effect and be in force from and after its publication in The Overland Park Sun, an official City newspaper.

PASSED by the City Council this 20th day of October, 2003.

APPROVED by the Mayor this 20th day of October, 2003.

Ed Eilert, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

J. Bart Budetti
Sr. Assistant City Attorney