

ORDINANCE NO. ZRR-2683

AN ORDINANCE RELATING TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS; CONCERNING SIGNS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 18.110.560, 18.440.080 AND 18.440.110.

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 five feet horizontally or vertically ~~one third the respective sign width, depth or height.~~ Additionally, in order to be considered a single sign, the façade on which the elements of the sign are mounted can be offset by no more than five feet. “Sign” includes sign supports.

“**Attention attracting device**” means any device with flashing, blinking, rotating or moving action, or any banner, searchlight, costumed person 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 “**backlighted 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 two or more supports where the sign face is not more than 2 two 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. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the business or center they are identifying.

“**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.”

“Primary sign element” means the words, numerals and logos used to identify a business name.

“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.

“Recreational sponsor sign” means a form of outdoor advertising similar to a poster panel or billboard, but located at an athletic field or similar recreational facility with the sign faces oriented toward the participants or spectators.

“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.

“Secondary sign element” means the phrases, figures or descriptions used to further identify the business or define products or services of the business. A single rectangle

drawn around all secondary sign elements shall be no more than 30 percent of the total sign area.

“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 18.440.080 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~~six 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-O, CP-O, 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~~four buildings and 10 acres of land, or shopping centers containing multiple buildings with separate tenants or one building with multiple tenants with separate exterior entrances, 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, and shall be specifically included within a sign criteria approved by the Planning Commission. In lieu of a monument sign, a wall sign fulfilling the project identification function may be allowed if the Planning Commission finds that the wall sign is appropriately located on

the building in a manner that furthers the architectural design of the development. Such signs shall not exceed 5 five 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 2two-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 four 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 three 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 or shopping center, provided that: (a) such signs may include an area of up to 4-four square feet in size that contains the name of the developer, or information relating to a permanent leasing office; and (b) shopping centers may include tenant information on monument signs as provided below. 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. Project identification signs shall not consist primarily of large, flat, backlit panels. Signs should blend multiple materials, 3-dimensional elements, and creative lighting effects in a way that communicates effectively and complements the design of the development. Where tenant information is allowed, it shall be either a list of tenant names or an organized placement of tenant logos. In the case of a tenant list, there shall be a single scheme for sign construction, background color, and letter color. Letter height for a tenant list shall be a minimum of six inches and shall be consistent for all tenants except that a distinction may be made between major and minor tenants if such a distinction is defined in the sign criteria for the shopping center. If tenant information is conveyed in the form of logos, each logo must be located in a predefined rectangle at least six square feet in size but not more than 16 square feet in size. The height or width of the logo within each rectangle shall not exceed 60 percent of the height or width of the rectangle, and all remaining area within the rectangle shall be a consistent background material for the entire sign. Logos must be centered in the rectangle area, are limited to registered trademarks of the business, and may use independent color schemes.

I. Developments consisting of either less than 15 acres of land area or less than

150,000 square feet of total approved building area shall be permitted one project identification sign. Such sign shall not exceed 10 feet in height and shall not exceed 50 square feet in area per sign face. Shopping centers may include a tenant information area up to 30 square feet in size.

2. Developments containing more than 15 acres of land area and with a total approved building area of more than 150,000 square feet shall be permitted one project identification sign. Such sign shall not exceed 20 feet in height and shall not exceed 100 square feet in area per sign face. Shopping centers may include a tenant information area up to 60 square feet in size.
3. Developments containing more than 50 acres of land area and with a total approved building area of more than 500,000 square feet shall be permitted two project identification signs, but no more than one per perimeter street frontage. Such sign shall not exceed 20 feet in height and shall not exceed 100 square feet in area per sign face. Shopping centers may include a tenant information area up to 60 square feet in size.
4. Office parks containing at least four buildings and shopping centers containing at least four tenant spaces may apply to the Planning Commission for approval of an expanded project identification package. The intent of this expanded package is to allow a project identification theme to be integrated throughout a development in exchange for sign designs that are exceptional in their creativity, materials and implementation. If an expanded package is approved, the following additions and modifications shall apply to the basic project identification signs described above:
 - (a) In lieu of one project identification sign described above, developments with an approved expanded package may substitute smaller project identification signs, but no more than one per perimeter entry into the project. Such signs shall not exceed 10 feet in height and 50 square feet in area per sign face. Shopping centers may include a tenant information area up to 30 square feet in size.
 - (b) The sign area of a project identification sign may be calculated as the sum of two separate rectangles each containing a portion of the sign elements rather than as a single rectangle containing all sign elements.
 - (c) The development name and/or logo may be repeated as a design element throughout the development on buildings, parking structures, light poles and freestanding monuments. Such design elements shall not exceed eight square feet in area. Fabric banners may be utilized provided they are replaced at least every three months, and may include decorative designs and non-commercial messages.
 - (d) Directional signs/informational kiosks may be permitted at appropriate

locations internal to the development to identify the location of particular tenants or special events. Such signs shall not exceed 20 square feet in area per sign face or 10 feet in height. Up to 25 percent of the sign area may be used for the development name and/or logo.

To qualify for an expanded project identification package, the applicant must demonstrate that all of the signs demonstrate a unified design theme that is based on exceptional design creativity, architectural harmony, and use of attractive and durable materials without creating an environment of visual clutter or garish commercialism. In addition, the primary signs shall be integrated with enhanced site amenities such as landscaping, water features, lighting or public spaces. In approving an expanded project identification package, the Planning Commission may stipulate specific design or maintenance standards that must be met as the signs are installed and maintained over time. Failure to meet such stipulations shall be grounds for revocation by the Governing Body following the procedures set out for the revocation of Special Use Permits in Chapter 18.370. Within 90 days of revocation, the property owner shall bring all signs into compliance with the basic project identification requirements and all other sign regulations in this Chapter.

E. Districts C-O and CP-O.

1. In Districts C-O and CP-O, not more than 3-three 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. Provided however, that office buildings with ground floor office tenants having an exterior business façade and an exterior door leading directly to their tenant space may have one additional wall sign for tenant identification for each such tenant space. No such tenant identification sign shall have a sign area exceeding five percent of the area of the business façade on 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-five 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-two 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-four square feet in area.

F. Districts C-1 and CP-1.

1. Each business or commercial establishment shall be permitted not more than ~~3~~ three wall signs, not more than one on each business facade. The area of such sign shall not exceed ~~5-five~~ 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-nine~~ 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-three~~ 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, For a single-use commercial project planned, developed and managed independently of any shopping center,~~ 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-O and CP-O.
- ~~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 five 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-two 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 three feet on all sides of the sign base.~~
54. 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-three~~ 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, MD 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-nine~~ 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. For a single-use commercial project planned, developed and managed independently of any shopping center,~~ 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~~ 50 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 with the same size and height limitations as the shopping center 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~~two menu boards located in conjunction with each drive-through lane. Such sign shall not exceed ~~8~~eight 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~~one menu board per order station. Menu boards for drive-in service shall not exceed ~~8~~eight 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~~six 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~~five 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~~three 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~~three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of ~~7~~seven feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than ~~3~~three 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~~five 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~~three 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~~five 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~~five 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, except MD.
 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 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~~three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of ~~7~~seven feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than ~~3~~three 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~~five 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~~three 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~~four 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~~five 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~~five 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~~eight square feet in area.

N. District MXD.

1. Each business or commercial establishment shall be permitted not more than three wall signs, not more than one on a business façade, except that a business located in a residential dwelling unit or the residential portion of a building shall not have any exterior signs. The area of each such sign shall not exceed 10% of the total area of the business façade 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 or projecting signs 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 blade sign per business entrance shall be permitted to be placed beneath a non-retractable awning or canopy that extends from the building. Such sign shall be limited to ~~3~~three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of ~~7~~seven feet above the ground or sidewalk. In lieu of the pedestrian oriented blade sign, one nonilluminated directory sign, not more than ~~5~~five square feet in area, may be placed on the wall at each public entrance to the building. Such directory sign shall list businesses or organizations that are accessed from that entrance.
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-five~~ 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-three~~ 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. 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 public entrance. Such sign shall not exceed ~~4-four~~ square feet in area. Mixed-use projects including at least ~~5-five~~ 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 façade, with a maximum of three signs per project.

4. At the perimeter of an MXD development, one monument sign identifying the development shall be permitted per perimeter street frontage, subject to the following restrictions:
 - a. The minimum setback from any public street right-of-way line or any property line shall be equal to or greater than 10 feet.
 - b. Such sign shall not exceed 10 feet in height above average grade.
 - c. The sign shall not exceed 100 square feet in area per face.
 - d. 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.

No other monument signs shall be permitted, unless the Planning Commission finds that the proposed sign package demonstrates exceptional creativity, visual appeal and harmony with the proposed architecture, and that additional monument signs would enhance the character and functionality of the MXD development.

5. As part of the sign criteria for an MXD development, the Planning Commission may approve free-standing directional or informational signs at key decision points for either pedestrian or vehicular traffic. Such signs shall have a design theme that is consistent with the architectural design of the project, and are

subject to the following restrictions:

- a. Pedestrian oriented signs shall not exceed ~~6~~six feet in height or 20 square feet in area per sign face. Such signs may include a tenant listing, directional arrows or information, a project map or general information about the development, but shall not contain advertisements for specific products, services or businesses (other than business name).
- b. Vehicular oriented directional signs shall be limited to 10 feet in height and 10 square feet in area per sign face. Such signs shall include only directional information to a particular business or facility.

SECTION 3. 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, mixed use centers 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. Unless the Planning Commission approves an alternate sign design, the criteria shall specify that wall signs shall be individual letters for the primary sign elements. Secondary sign elements, including logo signs, may be allowed as cabinet type signs. The design of any monument signs must be included within the sign criteria. 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 4. Existing Overland Park Municipal Code Sections 18.110.560, 18.440.080 and 18.440.110 are hereby repealed.

SECTION 5. 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 17th day of March, 2008.

APPROVED by the Mayor this 17th day of October, 2008.

Carl Gerlach, Mayor

ATTEST

Marian Cook
City Clerk

APPROVED AS TO FORM:

J. Bart Budetti
Senior Assistant City Attorney