



City of Arkansas City

PLANNING COMMISSION MEETING

AGENDA

Tuesday, August 13, 2024 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/234223405> or call +1 (224) 501-3412 Access Code: 234-223-405

Call to Order

Roll Call

Mike Bergagnini
 Duane Oestman

Lloyd Colston
 Cody Richardson

Brandon Jellings
 Dotty Smith

Chris Johnson

Declaration

At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

Consent Agenda

1. Meeting Minutes, July 9, 2024 meeting.

Public Hearings

2. Hold a public hearing to consider the advisability of rezoning 820 & 824 W Madison Ave from a C-3 (General Commercial District) to an I-1 (Light Industrial District).

Consideration

3. Off-Premises/Billboard Signs Amendments discussion

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Other Items _____

Adjournment _____



City of Arkansas City

PLANNING COMMISSION MEETING

Tuesday, July 09, 2024 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

Meeting was called to order at 5:30 pm.

Roll Call

Mike Bergagnini **Lloyd Colston** **Brandon Jellings** **Chris Johnson**
 Duane Oestman **Cody Richardson** **Dotty Smith**

Consent Agenda

1. Meeting Minutes, June 11, 2024 meeting.

Mike made the motion to approve the minutes and Chris Johnson made the second. Voice vote carried the motion.

Consideration

2. Consider the advisability of granting a conditional use permit to allow an off-premises billboard sign in a C-3, General Commercial District located at 2113 N Summit Street.

Dotty stated that the board should have a copy of the answers from the google form. Josh stated the numbers. Mike asked for clarification that the billboard wouldn't be affiliated with Billy Sims. Josh stated that no, it is not affiliated with Billy Sims. Brandon asked what sign regulation square footage is because Pizza Ranch was close. Dotty stated that this item was tabled at the last meeting. Dotty asked if anyone was present, the representative stood up and spoke and asked the PC where else a billboard could be placed. Brandon asked if there was a setback on the highway. Josh explained what his thoughts were. KDOT does not have a specific setback requirement. Duane mentioned a comment stating that the billboard should be placed on the bypass, it was his opinion to look at the bypass. Brandon asked if the billboard fit all of the requirements, why was it with the PC. Josh stated that part of the guidelines require a conditional use permit be issued. Duane made the motion to deny the application due to public response. Mike made the second. Brandon stated that if the PC listened to the citizens, there are a lot of the citizens that don't want things to happen in this town. Dotty agreed that the citizens should have a voice. Roll Call vote carried the motion to deny the application; the motion carried with a 6-0.

3. Hear a presentation from Professional Engineering Consultants (PEC) and provide input on the 101 Acre Housing Master Plan.

- Dotty asked if any of the planning commissioners had or has had any financial interest in this property.
- Brandon stated that it was raw property, he always has an interest in raw property.
- Dotty stated that Brandon would need to recuse himself from voting.
- Josh started the presentation, PEC was running late.
 - Public open house is scheduled with neighbors of the 101 Acres
 - Lance Onstott took over the presentation. He gave a history of PEC. He stated that the goal this evening was to get feedback from the PC and what the community goals are.
 - Traffic that currently exists, if the property is built out, what is the demand

of the traffic. With the numbers provided by KDOT, PEC will start looking into what needs to happen with the roads.

- PEC has reviewed the Comp Plan and the housing assessment tool.
- Concept Plan:
 - Land Use types:
 - Open Space/Amenity:
 - Linear Greenway/Park: The floodway shown on the topography.
 - Single Family/Traditional: Single Family subdivision 80 x 120 ft lots, 1/5-1/4 acre, Garage built towards the front.
 - Single Family-Alley Loaded: Single Family detached units, garage will be in the back and be accessed from the alley.
 - Typical-Alley Conditions: Either Narrow or Wide-Modern Allys can look several different Ways.
 - Townhome: Traditional townhomes can be anywhere from 2-6 units.
 - Garden Apartments: 3 stories max, traditional to suburban approach to multi-family.
 - Concept: Yellow – Single Family
 - West side: Traditional Single Family
 - South: Some sort of Single Family
 - North:
 - Red – higher intensity units
 - Pink – Park / Greenway
- Dotty asked Josh if this plan would be presented to potential buyers, Josh said yes and went through explaining the process. Brandon asked how it would be zoned, Josh stated that the plan would be going through the Planning Commission.
- Duane asked about the sewer line and drainage in that area and how would it be affected.

Dotty asked how many apartment developments the city had; Josh stated that we have three.

Other Items

No more items, there will be at least one re-zone at the August meeting

Duane made the motion to adjourn the meeting and Mike made the second. Voice vote carried the motion.



Planning Commission Agenda Item

Meeting Date: 8/13/24
From: Josh White, Principal Planner
Item: 800 & 824 W Madison Ave Rezone

Purpose: Hold a public hearing to consider the advisability of rezoning 820 & 824 W Madison Ave from a C-3 (General Commercial District) to an I-1 (Light Industrial District).

Background:

The subject property is located at 800 & 824 West Madison Ave. The surrounding area is comprised of residential, commercial and industrial uses. The property consists of approximately 0.75 acres. The project will be to utilize the existing building and expand onto the adjacent lot a wood manufacturing business that produces rollout boardwalks and other related products. The applicant is requesting a rezone from the C-3, General Commercial to District to an I-1, Light Industrial District.

It is the recommendation of staff that the requested rezoning C-3 to I-1 be approved based on the following conclusions:

- The property was previously zoned for Industrial use.
- No additional infrastructure will be needed.
- The property is located along a highway for easy shipping and receiving of goods.
- The project will add 3-5 manufacturing jobs to the local economy.
- Negative impacts can be mitigated with proper site design.

Action:

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request to rezone 800 & 824 W Madison Ave from a C-3 (General Commercial District) to an I-1 (Light Industrial District).

Attachments:

Staff report

Presentation Link: <https://arcg.is/04rKiLO>



STAFF REPORT

City of Arkansas City Neighborhood Services Division
 Josh White, Principal Planner
 118 W Central Ave, Arkansas City, KS 67005

Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER
 RZ-2024-120

APPLICANT/PROPERTY OWNER
 Warren McLeod

PUBLIC HEARING DATE
 August 13, 2024

PROPERTY ADDRESS/LOCATION
 800 & 824 West Madison Ave

SUMMARY OF REQUEST

The subject property is located at 800 & 824 West Madison Ave. The surrounding area is comprised of residential, commercial and industrial uses. The property consists of approximately 0.75 acres. The project will be to utilize the existing building and expand onto the adjacent lot a wood manufacturing business that produces rollout boardwalks and other related products. The applicant is requesting a rezone from the C-3, General Commercial to District to an I-1, Light Industrial District. Staff recommend approval of the rezone.



Map data ©2024 Esri World Topographic map

EXISTING ZONING C-3, General Commercial District	EXISTING LAND USE Commercial/Vacant	SURROUNDING ZONING & LAND USE North: R-2; Residential South: I-2; Industrial East: C-2; Commercial (Restaurant) West: I-1; Vacant	SITE IMPROVEMENTS Office building	SIZE OF PROPERTY 0.75 acres
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

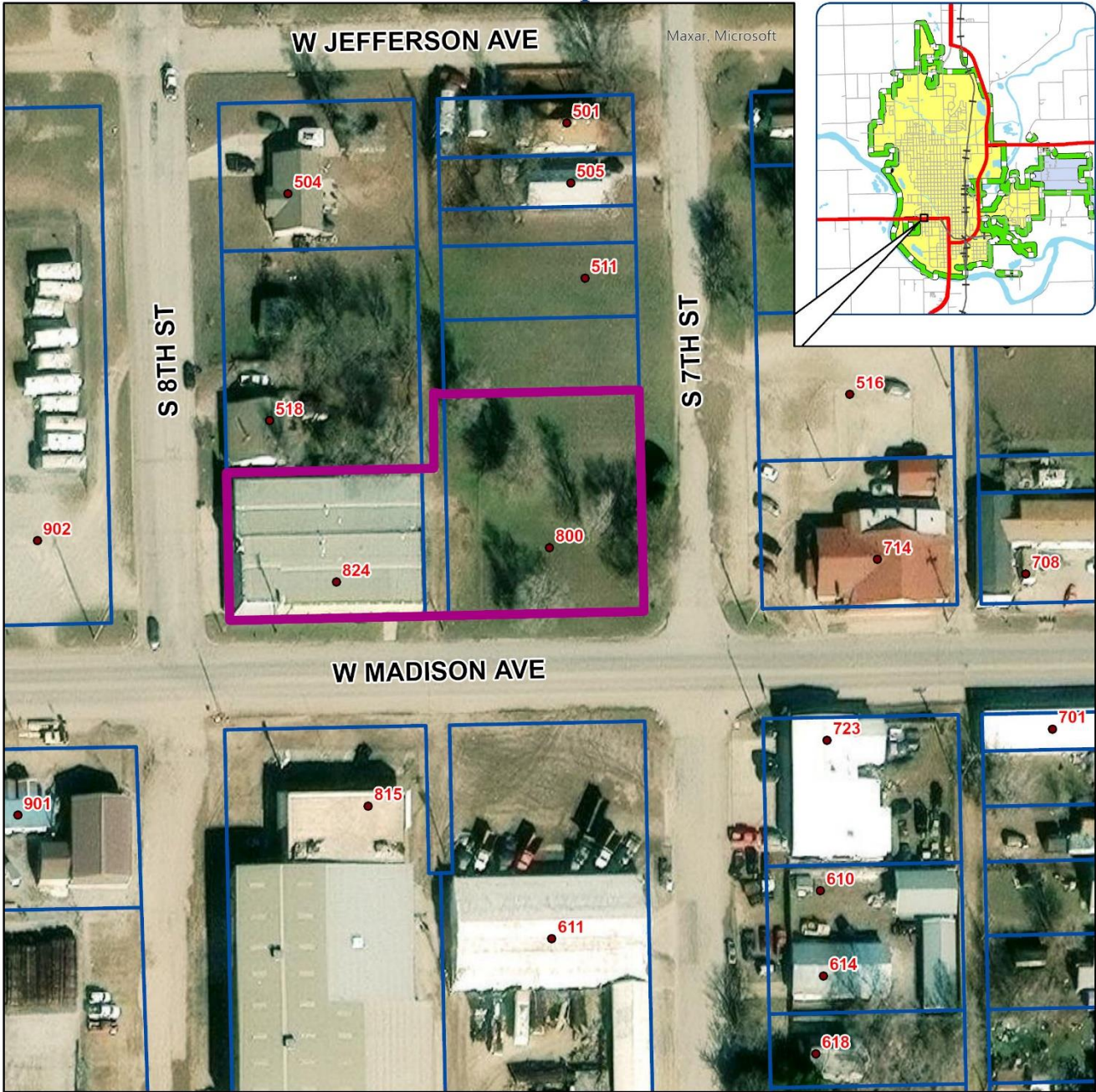
DENY

COMPATIBILITY with the COMPREHENSIVE PLAN
 The Future Land Use portion of the Comprehensive Plan designates this property as commercial as that was the use in 2014 when the maps were originally drawn. The use remained commercial in 2022 when the maps were updated. The properties to the south are industrial. The West Madison Ave Corridor is largely a mix of commercial and industrial. There is a goal in Chapter 4 of the Plan to "Attract new industries and businesses that complement our economy and labor force." This expansion will add 3-5 jobs to the local economy with a possibility for additional jobs in the future. There is also a goal in Chapter 8 of the Plan to "Provide adequate and appropriate areas for industrial land uses" with an action of "Industrial areas should have convenient access to highways and railroad facilities." This property is located along US-166 Highway.

PROPERTY HISTORY
 According to County Records the original building was built in 1920 with additional improvements in 1986. In 1986 it was rezoned from I-1 to I-2 (both would be similar to today's I-1) for a U.S. Armory. In 2007, the alley was vacated for a proposed daycare so that the adjoining lot could be used as a playground. The vacation was conditional on the development of that facility. In 2008, the daycare had still not been developed and the vacation was rescinded. In 2014, the property was rezoned to C-3 to match its use as an office building again.

COMPATIBILITY with the ZONING ORDINANCE
 The surrounding area is comprised of residential, commercial and industrial uses. It is the intent of the industrial districts to provide for areas of light and heavy industrial uses and for other compatible uses. Light Industrial (I-1) uses generate few effects felt off-site, such as smoke, noise or odor. Heavy Industrial (I-2) uses tend to be basic or primary industries which do often produce vibration, smoke, noise, odor, glare, dust and other effects that travel off-site. The change in classification would be consistent with the intent and purpose of these regulations.

Rezone Request



A request to rezone 820 & 824 W Madison Avenue
 from an
 C-3 General Commercial District
 to an
 I-1 Light Industrial District

-  Rezone
-  Property Lines

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: July 17, 2024



Rezone Request



A request to rezone 820 & 824 W Madison Avenue
 from an
 C-3 General Commercial District
 to an
 I-1 Light Industrial District

-  Rezone
-  Property Lines

- Future Land Use**
-  Residential
 -  Commercial
 -  Industrial

Produced by the
 City of Arkansas City GIS
 using the best available
 data to date.
 Created: July 17, 2024



Zoning map

Rezone Request



A request to rezone 820 & 824 W Madison Avenue

from an
C-3 General Commercial District
to an
I-1 Light Industrial District

- Rezone
- Property Lines

- Zoning Districts
- R-2, Medium Density Residential District
 - C-2, Restricted Commercial District
 - C-3, General Commercial District

- I-1, Light Industrial District
- I-2, Heavy Industrial District

Produced by the City of Arkansas City GIS using the best available data to date.
Created: July 17, 2024



No site plan was provided and was not required for the application.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

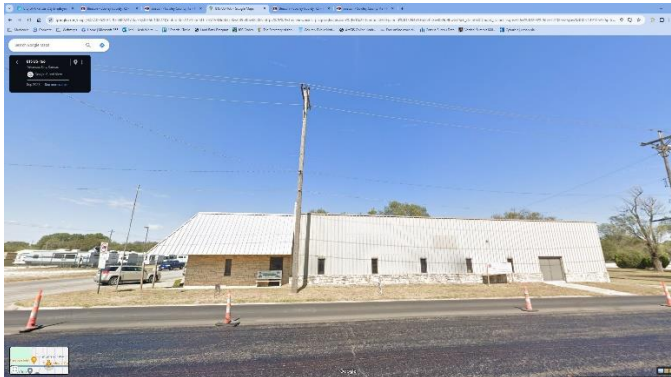
1. Whether the change in classification would be consistent with the intent and purpose of these regulations.

The surrounding area is comprised of residential, commercial and industrial uses. It is the intent of the industrial districts to provide for areas of light and heavy industrial uses and for other compatible uses. Light Industrial (I-1) uses generate few effects felt off-site, such as smoke, noise or odor. Heavy Industrial (I-2) uses tend to be basic or primary industries which do often produce vibration, smoke, noise, odor, glare, dust and other effects that travel off-site. The change in classification would be consistent with the intent and purpose of these regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change.

The surrounding area is comprised of residential, commercial and industrial uses.

Neighborhood Photos



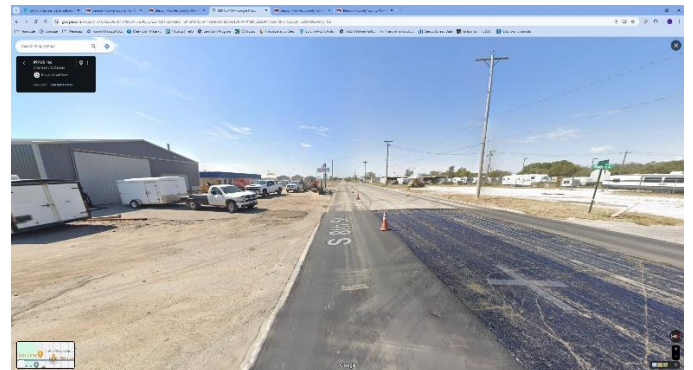
Subject Property 824 W Madison Ave. Google Streetview from September 2023



Subject Property 800 W Madison Ave. Google Streetview from September 2023.



Looking East along Madison Ave. Google Streetview from September 2023.



Looking West along Madison Ave. Google Streetview from September 2023.



Looking North along 7th Street. Los Cabos Mexican Restaurant is on the right. Google Streetview from September 2023.



Looking North along 8th Street. Subject property on the right. Google Streetview from September 2023.



Looking across the Madison Ave to the South. L.G. Pike Construction. Google Streetview from September 2023.

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

The current General Commercial District does not allow the proposed use. The proposed I-1 district allows manufacturing uses as proposed. The conditions of the area are not changing outside of this property. This property was zoned industrial in the past as it was used as a U.S. Army Reserve Armory.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification.

The properties surrounding the site are residential, commercial and industrial. The proposed use is generally the same intensity as the surrounding uses. The change in classification would be compatible with the nearby properties, especially to the south. The project will require screening for the residential properties to the north

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The property has been zoned industrial in the past and with proper screening can remain compatible with the other nearby properties.

6. The suitability of the applicant’s property for the uses to which it has been restricted.

The property is currently zoned for general commercial use. The site has long been an office building and an armory in the past. The most recent use was for office space but the business wishes to expand into a manufacturing facility.

7. The length of time the subject property has remained vacant or undeveloped as zoned.

The property at 800 W Madison Ave has been vacant for many years. This project would finally develop it.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.

No additional infrastructure will be required.

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.

There is not much other land available with industrial zoning in this area. There is industrially zoned vacant property but it is either not readily available or is at the far north end of the City in Goff Industrial Park.

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan.

The Future Land Use portion of the Comprehensive Plan designates this property as commercial as that was the use in 2014 when the maps were originally drawn. The use remained commercial in 2022 when the maps were updated. The properties to the south are industrial. The West Madison Ave Corridor is largely a mix of commercial and industrial. There is a goal in Chapter 4 of the Plan to "Attract new industries and businesses that complement our economy and labor force." This expansion will add 3-5 jobs to the local economy with a possibility for additional jobs in the future. There is also a goal in Chapter 8 of the Plan to "Provide adequate and appropriate areas for industrial land uses" with an action of "Industrial areas should have convenient access to highways and railroad facilities." This property is located along US-166 Highway.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

Public health, safety and general welfare should be able to be mitigated by providing screening along the residential properties to the north. All traffic should utilize Madison Avenue to prevent additional traffic along 7th Street.

12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

13. The recommendations of professional staff.

It is the recommendation of staff that the requested rezoning C-3 to I-1 be approved based on the following conclusions:

- The property was previously zoned for Industrial use.
- No additional infrastructure will be needed.
- The property is located along a highway for easy shipping and receiving of goods.
- The project will add 3-5 manufacturing jobs to the local economy.
- Negative impacts can be mitigated with proper site design.

Warren McLeod
3 Kirk Road
Arkansas City KS 67005
620-660-1852 • misterboardwalk@outlook.com

May 30, 2024

Neighborhood Services Division
Planning Commission
City Commission
118 West Central Avenue
Arkansas City, KS 67005

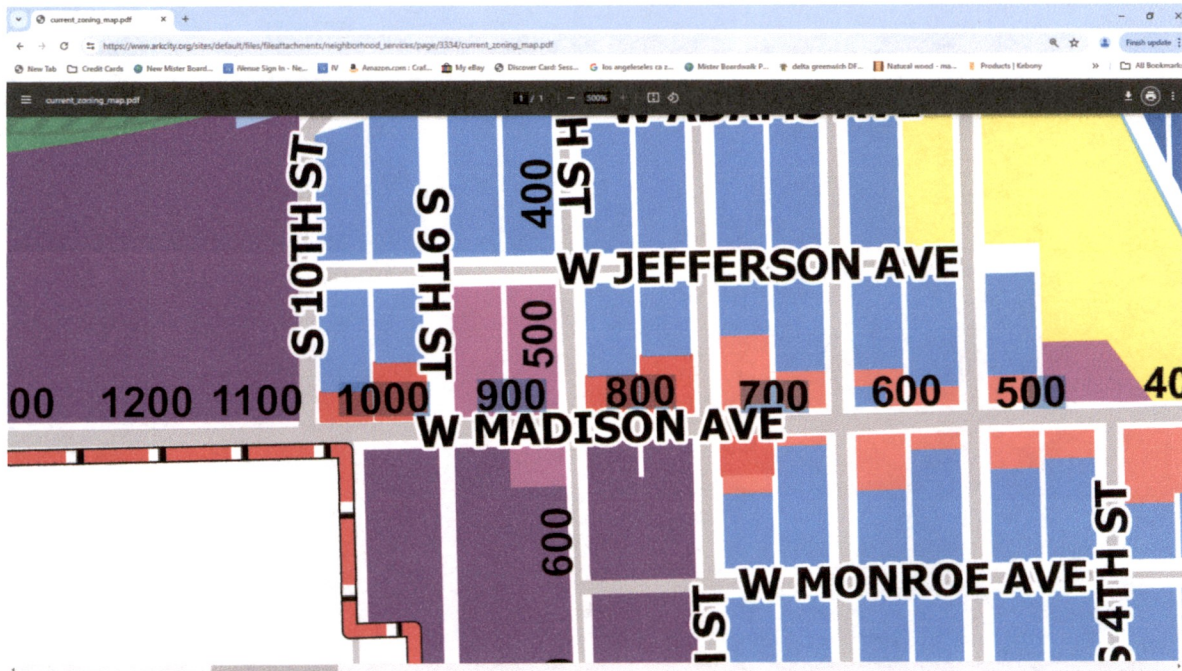
Re: Attached application to rezone 800 & 824 West Madison Ave. from C-3 to I-1

Dear Sirs:

My name is Warren McLeod, “Hap” to most people in Ark City. I own adjacent properties at 800, 824 and 902 West Madison, Ark City. The properties are listed below.

- 800 West Madison Ave – Vacant Land - 19,602 sf lot - Zoned General Commercial (C-3)
- 824 West Madison Ave – 9,500 sf Office & Warehouse - 13,068 sf lot – Zoned General Commercial (C-3)
- 902 West Madison Ave – Vacant Land, Partially Fenced – 47,916 sf lot - Zoned Light Industrial (I-1)

Attached please find a request to rezone properties 800 & 824 West Madison Ave. from C-3 to I-1. Interestingly, the properties were previously zoned Industrial. 902 West Madison Ave. is already zoned I-1. For reference, below is a current Zoning Map of the area and a current Zoning Legend. The properties in question are in red marked by “800”.



LEGEND

- CITY LIMITS
- A, AGRICULTURAL DISTRICT
- R-1, LOW DENSITY RESIDENTIAL DISTRICT
- R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3, HIGH DENSITY RESIDENTIAL DISTRICT
- C-1, OFFICE AND SERVICE BUSINESS DISTRICT
- C-2, RESTRICTED COMMERCIAL DISTRICT
- C-3, GENERAL COMMERCIAL DISTRICT
- C-4, CENTRAL BUSINESS DISTRICT
- MP, MANUFACTURED HOME PARK DISTRICT
- I-1, LIGHT INDUSTRIAL DISTRICT
- I-2, HEAVY INDUSTRIAL DISTRICT
- P, PUBLIC USE DISTRICT
- MU, MIXED USE DISTRICT
- FP-O, FLOODPLAIN MANAGEMENT OVERLAY DISTRICT
- HC-O, HISTORIC CONSERVATION OVERLAY DISTRICT
- HO-O, HOUSING OPPORTUNITY OVERLAY DISTRICT

I also own Mister Boardwalk®, a wood manufacturing company that operates in Ark City (mostly administrative activities) and in Lakewood, NJ (mostly wood processing, assembly, and shipping activities). Attached is a packet of information about our company and products that I hope is helpful.

Mister Boardwalk® was founded in New Jersey in 1989 to make patented Roll Out Boardwalks and other related products. Currently the main factory is still in New Jersey, and we ship our products throughout the U.S. and North America, including Mexico, Central America, the Caribbean, and Canada. Occasionally we ship beyond these borders.

This year we shipped to Amman, Jordan, and we have a large order pending for a hotel project on the Red Sea in Saudi Arabia.

We believe there is a worldwide market for our products and that a larger, cost efficient and consolidated facility, combined with significantly increased marketing and sales programs could substantially grow the company in the reasonably near future. The company has been held back by a very small, very expensive New Jersey factory. Over a 20-year period we have been unable to find a larger, suitable location in the New Jersey area at any reasonable cost. So, we have decided to consolidate in Ark City.

Ark City has many cost advantages. Our best markets, though, are located at or near the beach. Beaches are a long way from Ark City, so there are great risks associated with the move to middle America, especially, but not limited to, the potential for losing business concentrated along the Eastern Seaboard. After careful consideration, we have decided to take that risk, believing that the consolidation in Ark City will in the long run greatly enhance the company's future.

I am requesting the zoning change because I need a clear path to create a manufacturing facility that will easily support what I hope to accomplish--greatly increased sales and production and the resulting increase in employment opportunities. With the zoning change, my entire three lot property will be appropriately zoned for whatever is needed to implement the near and mid-term company goals.

The immediate plan is to add a 2,500 to 5,000 sf industrial building for wood processing on the 800 West Madison lot. 824 West Madison will be used for assembly, shipping, and warehousing. 824 is already being used for administration and inside storage. When the new building is complete, we will add from 3 to 5 positions in Ark City (we already have 2 to 3), depending on the number of remote positions that can be consolidated here. As the increased Sales & Marketing plans unfold, we hope to add more positions.

Why a separate building at 800 West Madison when you appear to have room for wood processing at 824 West Madison?

A wood processing facility must be separate from other functions due to the wood dust that is inevitably a byproduct, even with state-of-the-art dust collection. Over time a thin film of dust will permeate every nook & cranny of the building. At our New Jersey facility, where the office was initially in the same building with wood processing, the dust was everywhere, even finding its way into covered file boxes. We had to abandon the office for a separate location. While we have to tolerate some dust in the wood processing area, any dust in the product assembly, shipping and warehousing area would be unnecessarily unpleasant and more expensive. Administrative functions in the same building with wood

processing would be intolerable. Our plan has always been to build a separate wood processing facility.

Why not build on the vacant land at 902 West Madison which is already zoned Light Industrial I-1?

A few years ago, during plans to add a 2,500 to 5,000 sf Industrial Building for wood processing on the vacant land at 902 West Madison, I was informed that the State may take at least half of the property, possibly more. The proposed State plans show a Roundabout at 8th & Madison that would be part of a project to extend the Rt. 166 bypass west from South Summit. I abandoned the project not wanting to deal with the possibility that the State may one day, sooner rather than later, take the property.

Thank you for considering my request. Please don't hesitate to let me know if you need any further information or have any questions.

Sincerely,



Warren "Hap" McLeod



Planning Commission Agenda Item

Meeting Date: 8/13/2024
From: Josh White, Principal Planner
Item: Off-Premises/Billboard Signs Amendments discussion

Purpose: Off-Premises/Billboard Signs Amendments discussion

Background:

At the June meeting, a public hearing was held regarding a Billboard sign. There was some significant opposition to the location and size of the proposed billboard. The Planning Commission tabled the request until the July meeting to gather additional public comment. Staff initiated a poll and gathered feedback. Most respondents requested the Planning Commission to deny the request and argued that it was too large and not a great location for a billboard among other issues. The Planning Commission ultimately voted to recommend denial of the request and the application was withdrawn the next day.

Staff used the direction of both the public and Planning Commissioners to draft some amendments to the regulations. These amendments reduce the height and size of proposed off-premises and billboard signs. Spacing between existing signs was also increased. The allowed locations could also be restricted further. It is important to note that these regulations do not just regulate billboard signs but also any off-premises sign. We have several so-called off premises signs in the community so it wouldn't be appropriate to completely eliminate them. Here are the two definitions from Section 27-3:

Billboard. An off-premises sign.

Off-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other noncommercial message shall also be an off-premises sign unless such sign is excluded from regulation under Section 27-3.

Staff will discuss the proposed amendments and gather feedback. In addition to this discussion, Staff has recently been dealing with temporary signage on city owned property. Due to a controversy, all temporary signage was removed from city owned property earlier this year. Staff and the City Commission have been trying to determine a method to restrict but not eliminate the placement of such signs on city property but that has been a challenge. In a review of the zoning regulations, staff found an unrelated confusing item that we wish to remove regarding interior signage. It is unclear what was intended by this language so now is a good time to simply remove it. Also, staff will propose a separate amendment to a section in the Municipal Code (50-227 Public Property) telling the reader to refer to the zoning regulations for any exceptions regarding signage on public property. This is a very minor step but without major policy direction, we feel there is little more that can or should be changed in our regulations.

After discussion, staff recommend a public hearing be scheduled for the September 10, 2024 meeting. Any adjustments will be made prior to publication of the public hearing notice and with approval of the Chair. The proposed amendments would then be available in the Neighborhood Services office as well as on the City's website.

Action: Discuss the proposed amendments and set a public hearing for September 10, 2024.

Attachments: Proposed Amendments

Proposed Changes to Zoning Regulations Regarding Billboards

Article 27: Signs

27-301. The following signs are exempt from regulation under this Article except for those regulations set out in Section 27-5.

~~d. Interior signs shall also be exempt from these regulations.~~

27-1002. In the C-2 District the following regulations apply:

~~d. Off-premises billboards are allowed in the C-3 District upon the issuance of a conditional use permit, as provided in Section 27-13. This signage does not apply towards the maximum square footages in a. above.~~

SECTION 27-13 BILLBOARDS/OFF-PREMISES SIGNS

27-1301. Off-premises billboard signs are allowed in the C-3, I-1 and I-2 Districts upon the issuance of a conditional use permit, and subject to the requirements of this section. All sign structures must meet the requirements as provided by the Kansas Department of Transportation.

27-1302. Location:

- a. Billboard signs shall not be located within 300 feet of any structure occupied as a residential or other non-commercial or non-industrial use.
- ~~b. Billboard signs shall not be located within shall be setback fifty (50) feet of any state or federal highway, as measured from the edge of the right of way.~~
- c. b. Billboard signs shall not be attached to the roof or wall of any building.

27-1303. Maximum Height: The top edge of any billboard sign shall not exceed ~~fifty (50)~~ twenty-five (25) feet above average grade.

27-1304. Maximum Sign Area:

- a. The maximum sign area of any billboard sign shall not exceed a total of ~~750~~ 300 square feet.
- b. For purposes of this subsection, each face of a billboard sign, whether back-to-back, V-shaped, or some other configuration, shall be considered a separate sign.
- c. Billboard signs do not apply towards the maximum square footages for on-premises signage.

27-1305. Lighting: Billboard signs may be indirectly illuminated but shall not cast glare upon any adjacent ~~highway roadway and shall be directed upward so as to pose a hazard to vehicular traffic.~~ Billboard signs containing digital graphics, or an electronic message center are not permitted.

27-1306. Minimum Spacing Requirements: No billboard sign hereafter erected shall be less than ~~300~~ 800 feet from any other existing billboard sign on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street or highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street or highway.

Article 27: Signs

Sections:

27-1	General Provisions
27-2	Definitions
27-3	Signs Excluded from Regulations
27-4	Signs Prohibited
27-5	General Sign Regulations
27-6	Residential District (R) Sign Regulations
27-7	[RESERVED FOR FUTURE USE]
27-8	Agricultural District (A) Sign Regulations
27-9	Public Use District (P) Sign Regulations
27-10	Commercial District Sign Regulations
27-11	Mixed Use District (MU) Sign Regulations
27-12	Industrial District Regulations
27-13	Billboards/Off-Premises Signs
27-14	Maintenance of Signs
27-15	Unlawful Cutting of Trees or Shrubs
27-16	Sign Variances
27-17	Design Review
27-18	Appendix

SECTION 27-1 General Provisions

27-101. Statement of purpose: This article provides standards relating to signs located within the city of Arkansas City, and governs the number, size, type, location and physical aspects of signs. It is determined that the regulation of Signs is necessary to promote safety, to preserve and enhance the aesthetic and environmental values of the community, to provide for effective communication between people within the context of their environment and to protect the rights of free speech and expression.

27-102. Substitution of Messages: Subject to the land owner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the Sign is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that the structural device or mounting device be properly permitted.

27-103. Responsibility of Compliance: The responsibility for compliance with the Article rests jointly and severally upon the Sign owner, the Sign Operator, all parties holding the present right of possession and control of the property whereon a Sign is located, mounted or installed including the legal owner of the lot or parcel.

27-104 Severability: Should any of the clauses, sentences, paragraphs, words, sections or parts of this Article be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Article. All provisions of this Article are declared to be severable.

27-105 Maintenance: All Signs together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation.

27-106 Non-Conformance: Every sign lawfully in existence on the adoption of this Article shall not be altered or moved unless it is brought into greater conformance to comply with the provisions of this Article, except as otherwise provided herein. For the purposes of these regulations, sign structure painting, message or face changes are not considered alterations.

SECTION 27-2 DEFINITIONS

27-201. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Article.

Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Attention-Attracting Device. Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this Article. This includes spinners, pinwheels, pennant strings, and other devices or displays that respond to naturally occurring external motivation. See Temporary Sign.

Awning Sign. A building mounted sign that provides additional functionality as a shelter.

Billboard. An off-premises sign.

Canopy: A freestanding permanent roof-like structure not attached to or requiring support from an adjacent structure.

Canopy Sign: Any permanent sign attached to or constructed on or/underneath a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

Display Time. The amount of time a message and/or graphic is displayed on an Electronic Message Center.

Dissolve. A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dynamic Frame Effect. An Electronic Message Center frame effect in which the illusion of motion and/or animation is used in a single frame. For example, falling leaves in the background of a single frame, floating balloons in the background of a single frame, waving flag used in a single frame. – see frame effect.

Electronic Message Center. A variable message sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Fade. A mode of message transition on an Electronic Message Center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Footcandle: A unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Frame. A complete, static display screen on an Electronic Message Center.

Frame Effect. A visual effect on an Electronic Message Center applied to a single frame. See also Dynamic Frame Effect.

Freestanding Sign. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as “sandwich sign,” is also a free-standing sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Grade. The level of the site at the property line located at the closest distance to the sign.

Illegal Sign. Any sign placed without proper approval or permits as required by this code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

Illuminance: A measure of the amount of light intercepting an object at a given distance from a light source and is measured in foot candles or its metric equivalent, lux. Illuminance can be measured with a foot candle meter.

Institutional Uses. Refers to organizations such as, but not limited to, churches, schools, community centers, or other public/semi-public facilities.

Internally Illuminated Signs. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it, and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Marquee. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.

Marquee Sign. Any sign painted on or attached to or supported by a marquee.

Monument Sign. A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. Said sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or other materials consistent with the building the sign is representing.

Off-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other noncommercial message shall also be an off-premises sign unless such sign is excluded from regulation under Section 27-3.

On-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Pole or Pylon Cover: An enclosure for concealing and/or for decorating poles or other structural supports of a freestanding sign.

Pole Sign: A freestanding sign with visible support structure.

Projecting Sign. A sign other than a Wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall. This includes marquees and signs on canopies and awnings.

Pylon Sign: A freestanding sign with visible support structure or with the support structure enclosed with a pole cover.

Roof Sign. A sign erected, constructed or maintained partially or wholly upon or over the roof of a building, a building canopy, or a freestanding canopy.

Scroll. A mode of message transition on an Electronic Message Center in which the message appears to move vertically across the display surface.

Sign. Any device that (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives of part (2) of this definition, and (2) is designed to attract the attention of such persons or to communicate information to them.

Temporary Sign. A sign which is not permanently affixed to the ground, a building or other structure. As an example, temporary signs include banners, pennants, feather signs, inflatables, and other attention attracting devices. See Attention Attracting Device.

Transition. A visual effect used on an Electronic Message Center to change from one message to another.

Travel. A mode of message transition on an Electronic Message Center in which the message appears to move horizontally across the display surface.

Vehicular Sign. Any sign which is attached to or placed upon a parked motor vehicle and placed in a position or location for the sole purpose of displaying the same to the public.

Wall Sign. A sign that is attached to a building face or wall and projects not more than eighteen (18) inches from the building face or wall. Also includes signs affixed to architectural projections, such as awnings or canopies, provided the sign remains parallel to the face of the building or wall.

SECTION 27-3 SIGNS EXCLUDED FROM REGULATIONS

27-301. The following signs are exempt from regulation under this Article except for those regulations set out in Section 27-5.

- a. Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature.
- 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. Flags, pennants, or insignias of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- d. Signs directing and guiding traffic on private property that do not exceed four (4) square feet in area and (4) feet high, located within (6) six feet of the curb cut, and not to exceed two per entrance.
- e. Signs internal to the site on properties where a drive-thru window is present and/or, not visible or aimed at the public right of way shall not be limited in size/quantity by these regulations unless otherwise prohibited.
- ~~f. Interior signs shall also be exempt from these regulations.~~
- g. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- h. 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.
- i. Temporary signs used during the 45-day period prior to any election and the two-day period following any such election in accordance with K.S.A 25-2711.
 1. Signs placed on non-residential property shall not exceed (32) thirty-two square feet. Signs placed on residential property shall not exceed (6) sq. feet in area-
 2. Signs shall not be placed, erected or maintained on or in public buildings or structures, including libraries, recreational centers, parking structures, city hall, or in public parks, lawns, vehicles, trees, fences, or fire hydrants.
 3. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.

Commented [JW1]: Confusing language. Interior to the site signs would be covered in d and e above. Signs on the interior of the building need not be spelled out and are not regulated by the City.

- j. **Temporary Signs:** A sign that either (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign at such a time the event is complete the sign will be removed, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
1. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
 2. Signs shall not be lighted.
 3. Signs placed on non-residential property shall not exceed (32) thirty-two square feet in area. Signs placed on residential property shall not exceed six (6) sq. feet in area.

SECTION 27-4. SIGNS PROHIBITED

27-401. It shall be a violation of these regulations to erect, install, place or maintain the following signs:

- a. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited.
- b. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient, within the meaning of K.S.A. 21-4301, as amended.
- c. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or encroaching upon the right-of-way of any street, road or public way, except as specifically permitted by these Regulations.
- d. Any sign or advertising structure erected on City property or other governmental property other than signs erected by the governmental entity itself.
- e. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
- f. No sign shall be attached to a tree or to a publicly- or privately-owned utility pole on either public or private property.

SECTION 27-5 GENERAL SIGN REGULATIONS

27-501. The following general sign requirements shall apply to all signs in all zoning districts:

- a. No signs shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs must comply with the requirements of Section 20-4 regarding corner visibility.
- b. Except where otherwise specifically prohibited, lighting is permitted on signs, provided, however, reflectors shall be provided with proper lenses, concentrating the illumination on the area of the sign to prevent glare upon the street or adjacent property.
- c. No sign shall be wholly or partially illuminated so as to interfere with the vision of pedestrian or vehicular traffic.
- d. Electronic Message Centers are permitted in zoning districts as set out in this Article. The following restrictions shall apply to electronic message centers:

1. Electronic message centers may be a portion of the sign or comprise the entire area allowed by the sign type per zoning district. One (1) per zoning lot is permitted and can be double faced.
2. The Electronic Message Center must have automatic dimmer control to maintain a maximum of 0.3 footcandles over ambient light as measured at the appropriate distance based on the EMC's size.
3. The Electronic Message Center's programmed display must follow the requirements for the zoning district in which it is placed. Full animation and full video are prohibited except where allowed by issuance of a conditional use permit. Full animation is defined by movement, or the illusion of movement, that occurs in sequence of several frames without a hold time between frames. Full video is considered to be a live stream, or video clip displayed on the unit in a continuous fashion without a hold in between frames. Dynamic frame effect is an alternative that can be used instead of full animation or full video.
4. Electronic message centers, if located in a residential district or within two hundred (200) feet of a residentially zoned district, may only be operated between the hours of 6 a.m. and 10 p.m.
5. A certificate of compliance must be signed and on file with the Zoning Administrator. Any electronic message center found to be operating outside of the regulations will be deemed a zoning violation and shall be remedied according the provisions of Article 30 of these regulations.

SECTION 27-6 RESIDENTIAL DISTRICT (R-1:R-3, MHS & MP) SIGN REGULATIONS

27-601. The following signs are allowed in Residential Districts (including R-1:R-3, MHS and MP Districts):

- a. One (1) temporary non-illuminated sign per residence or building under construction, not more than thirty-two (32) square feet in area per face and not more than eight (8) feet in height, provided that said sign shall be removed within ten (10) days of project completion.
- b. For Institutional uses permitted in residential districts:
 1. Wall Signs: up to 30 sq. ft. (1) one per building frontage.
 2. Monument sign, which shall not exceed thirty (30) square feet in area per face nor exceed eight (8) feet in height, per street frontage.
 3. Electronic message centers are permitted with the following guidelines:
 Size: Thirty (30) sq. feet in area.
 Hold Time: Three (3) second hold time.
 Transition: Immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.
- c. For Home Occupations permitted in residential districts: (1) One non-illuminated wall mounted or freestanding sign per lot, not to exceed (6) six sq. feet in area and (5) five feet in height.
- d. One (1) monument sign is permitted at the entrance to each platted subdivision provided the sign shall not exceed fifty (50) square feet in area per face nor exceed eight (8) feet in height.
- e. In the R-3 District, any permitted nonresidential use and/or multi-tenant buildings and similar uses are allowed; one (1) illuminated, wall sign not to exceed thirty (30) sq. feet in area, per facade. No sign shall extend above the roof line and One (1) freestanding sign not to exceed 30 sq. feet in area, and (8) eight feet in height per street frontage.
- f. Except as permitted in b. above, electronic message centers are prohibited.

SECTION 27-7 [RESERVED FOR FUTURE USE]**SECTION 27-8 AGRICULTURAL DISTRICT (A) SIGN REGULATIONS**

27-801. The following signs are allowed in the Agricultural District (A):

- a. One (1) non-illuminated sign per residence or building under construction, not more than thirty-two (32) square feet in area per face and not more than eight (8) feet in height provided that said sign is removed within ten (10) days of project completion.
- b. For Institutional uses permitted in Agricultural districts:
 1. Wall Signs: up to 40 sq. ft. (1) one per building frontage.
 2. Monument sign, which shall not exceed forty (40) square feet in area per face nor exceed eight (8) feet in height, per street frontage.
 3. Electronic message centers are permitted with the following guidelines:
Size: Forty (40) sq. feet in area.
Hold: Three (3) second hold time, immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.
- c. For Home Occupations permitted in Agricultural districts: One (1) non illuminated wall mounted or freestanding sign per lot, not to exceed six (6) sq. feet in area and five (5) feet in height.
- d. Except as permitted in b. above, electronic message centers are prohibited.

SECTION 27-9 PUBLIC USE DISTRICT (P) SIGN REGULATIONS

27-901. In the P District the following regulations apply:

- a. Any number or combinations of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 200 sq. ft.
- b. Sign permitted in the P District, and maximum square footage:

Wall	Maximum 15% of façade
Pole/pylon	Maximum 75 sq ft/face Height: 15 feet
Monument	Maximum 75 sq ft/face Height: 10 feet
- c. One Electronic Message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in Section 27-5.

SECTION 27-10 COMMERCIAL DISTRICT (C-1:C-4) SIGN REGULATIONS

27-1001. In the C-1 District the following regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 200 sq. ft.
- b. Signs permitted in the C-1 District, and maximum square footage:

Wall	Maximum 15% of façade
Monument	Maximum 48 sq. ft./face Height: 10 feet
Projecting	Maximum 48 sq. ft/face
- c. Roof signs are not permitted in the C-1 District.
- d. For institutional uses in C-1, Electronic message centers are permitted with the following guidelines:
Size: Forty (40) sq. feet in area.

Hold: Three (3) second hold time, immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.

27-1002. In the C-2 District the following regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 250 sq. ft. To encourage creative design an additional 50 sq. ft could be added to the aggregate total of allowed sq. footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria is met, and aesthetic character is achieved. See appendix for what creative design elements could be.
- b. Signs permitted in the C-2 District, and maximum square footage:

Wall	Maximum 15% of façade
Monument sign	Maximum 100 sq. ft./face Height: 10 feet
Pole/Pylon	Maximum 100 sq. ft / face Height 15 feet
Projecting	Maximum 100 sq. ft/face
- c. Roof signs are not permitted in the C-2 District.
- d. Signs located within 50 feet of a residential district must be affixed to or be a part of the building.
- e. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in section 27-5.

27-1003. In the C-3 District the following sign regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 300 sq. ft. To encourage creative design an additional 200 sq. ft could be added to the aggregate total of allowed sq. footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria are met, and aesthetic character is achieved. See Section 27-18 to see what creative design elements could be.
- b. Signs permitted in the C-3 District, and maximum square footage:

Wall	Maximum 20% of façade
Pole/Pylon	Maximum 100 sq. ft./face Height: 25 feet
Monument	Maximum 100 sq. ft./face Height: 10 feet
Projecting	Maximum 100 sq. ft/face
Roof	No maximum*

*On-premise roof signs shall not exceed 1/2 the height of the building supporting the roof sign.
- c. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in Section 27-5.

~~d. Off premises billboards are allowed in the C-3 District upon the issuance of a conditional use permit, as provided in Section 27-13. This signage does not apply towards the maximum square footages in a. above.~~

Commented [JW2]: This language was added to 27-1304 since this signage is also allowed in other districts. The first sentence is also redundant with that section as currently written.

27-1004. In the C-4 District the following sign regulations apply:

- a. Signs affixed to canopies or marquees which are constructed and maintained in accordance with the adopted building codes are permitted.
- b. Signs permitted in the C-4 District, and maximum square footage:

Wall	Maximum 15% of façade*
Pole/Pylon	Maximum 200 sq. ft./face Height: 25 feet
Monument	Maximum 200 sq. ft./face Height: 10 feet
Projecting	Maximum 200 sq. ft/face

*An additional 5% could be added to the total of allowed square footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria are met, and aesthetic character is achieved. See appendix for what creative design elements could be.

- c. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area provided it meets the requirements of Section 27-5 and subsection d below.
- d. Signs located within the Historic Conservation Overlay (HC-O) District and/or listed on any Local, State or National Register of Historic Places must also meet those regulations.

SECTION 27-11 MIXED USE DISTRICT SIGN REGULATIONS

27-1101. Sign regulations for the Mixed Use (MU) District shall be those of the most restricted zoning district which allows the use, either as a permitted or conditional use, of the subject property.

SECTION 27-12 INDUSTRIAL DISTRICT SIGN REGULATIONS

27-1201. The following signs shall be allowed in the Light Industrial District (I-1):

- a. One (1) wall sign per façade. The sign area shall not exceed ten percent (10%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed fifteen (15) feet in height above the average grade, and the sign face shall not exceed fifty (50) square feet in area per face.

27-1202. The following signs shall be allowed in the Heavy Industrial District (I-2):

- a. One (1) wall sign per façade. The sign area not to exceed fifteen percent (15%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed twenty-five (25) feet in height above the average grade, and the sign face shall not exceed one hundred (100) square feet in area per face.

SECTION 27-13 BILLBOARDS/OFF-PREMISES SIGNS

27-1301. Off-premises billboard signs are allowed in the C-3, I-1 and I-2 Districts upon the issuance of a conditional use permit, and subject to the requirements of this section. All sign structures must meet the requirements as provided by the Kansas Department of Transportation.

Commented [JW3]: Need guidance on location. We must keep in mind that this will also effect off-premises signs and not just billboards.

27-1302. Location:

- a. Billboard signs shall not be located within 300 feet of any structure occupied as a residential or other non-commercial or non-industrial use.
- ~~b. Billboard signs shall not be located within shall be setback fifty (50) feet of any state or federal highway, as measured from the edge of the right of way.~~
- c. b. Billboard signs shall not be attached to the roof or wall of any building.

Commented [JW4]: Setbacks are not required for on-premise signs so its not clear why setbacks would be needed for off-premise signs if we reduce the sign area. This is also a small concession to the industry since we are adding restrictions.

27-1303. Maximum Height: The top edge of any billboard sign shall not exceed ~~fifty (50)~~ twenty-five (25) feet above average grade.

Commented [JW5]: Height was a common concern that was mentioned in the public feedback. 25 feet is the maximum height allowed for on-premise signage in the C-3 district.

27-1304. Maximum Sign Area:

- a. The maximum sign area of any billboard sign shall not exceed a total of ~~750~~ 300 square feet.
- b. For purposes of this subsection, each face of a billboard sign, whether back-to-back, V-shaped, or some other configuration, shall be considered a separate sign.
- c. ~~Billboard signs do not apply towards the maximum square footages for on-premises signage.~~

Commented [JW6]: Size was a major concern from the public feedback. 300 would be half the size of the proposal at 2113 N Summit St. This would be per face as noted in b below. So a 2 sided billboard could effectively only be 150 square feet. This is slightly larger than what would be allowed as on premise signage in the C-3 district (100 per face).

Commented [JW7]: Added for clarification and also removed from 27-1003.

27-1305. Lighting: Billboard signs may be indirectly illuminated but shall not cast glare upon any adjacent highway ~~roadway and shall be directed upward so as to pose a hazard to vehicular traffic.~~ ~~Billboard signs containing digital graphics, or an electronic message center are not permitted.~~

Commented [JW8]: Added for clarification. This language was present in Manhattan's regulations. The statement was also revised for conciseness.

Commented [JW9]: Added for clarification that we do not allow electronic billboards.

Commented [JW10]: Increasing this separation will also limit the total number allowed in an area. 800 matches Manhattan, they increase to 5,000 if it is an electronic sign. We don't currently allow those. See new language in 27-1305. Topeka has a separation of 1,320.

27-1306. Minimum Spacing Requirements: No billboard sign hereafter erected shall be less than ~~300~~ 800 feet from any other existing billboard sign on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street or highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street or highway.

SECTION 27-14 MAINTENANCE OF SIGNS

27-1401.

- a. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- b. If a 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's message shall be considered obsolete. The obsolete message must be replaced within 30 days after the last day the message was viable. If necessary, to avoid being considered abandoned, the obsolete message can be replaced with a blank face and the structure must be properly maintained.
- c. If after 30 days of becoming obsolete the sign and structure have not been properly maintained, the entire sign will be considered abandoned. The owner of the sign, or the owner of the property where the sign is located, or other person having control over such sign will have 180 days to remove the entire sign and all of its structural components.

SECTION 27-15 UNLAWFUL CUTTING OF TREES OR SHRUBS

27-1501. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located within the right-of-way of any public street or road, unless the work is done pursuant to written authorization of the Zoning Administrator.

SECTION 27-16 SIGN VARIANCE

27-1601. Procedures for requesting a variance to the sign regulations can be found in Article 25 of these regulations.

SECTION 27-17 DESIGN REVIEW:

27-1701. Administrative Design Review:

An optional design review process, one that is voluntarily entered into by applicants, rather than a mandatory one. This option allows the applicant to choose between designing a sign strictly according to numerical standards or going through a design review process that allows for larger signs, more flexibility, or both. For example, the numerical standard for a projecting sign might consist of a maximum allowable area of “x” square feet. This would probably produce a simple, rectangular sign, maximizing the copy area. Under an optional design review process, the sign area could be increased by a certain percentage or sq. footage. The sign could include a unique, eye-catching logo that would add liveliness to the streetscape. Such a method rewards both businesses and sign producers for creative efforts. – A Framework for On-Premise Sign Regulations March 2009 Alan C. Weinstein, Inc. D.B. Hart, Inc.

To use this method, submit a site plan indicating all existing signage, as well as, indicating placement of the proposed signage. A scaled drawing of proposed signage must be submitted for administrative review. To ensure proposed signage aesthetically compliments the surrounding structure’s architectural elements and is appropriate in scale.

SECTION 27-18 APPENDIX

27-1801. Sign Types.

The following section uses some local signs as an example of sign types permitted within the sign regulations and similar sign types using creative elements that could possibly be used in design review. The use of these images is for example purposes only and not intended to convey a preference for a sign design or a business shown.

Typical On-Premise Sign Types



Awning Sign



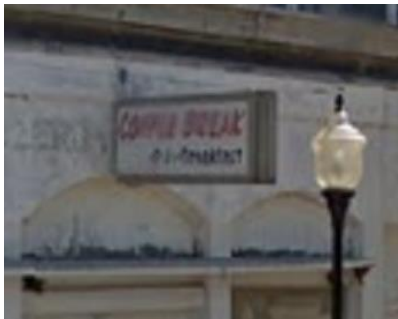
Canopy sign



Pole Sign



Pylon with creative elements



Projecting sign



Projecting sign with creative elements



Wall Sign



Wall sign with creative elements



Monument



Monument with creative elements



Marquee



Marquee with creative elements

27-1802. Sign Area measurement:

- a. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- b. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.



- c. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - 1. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.



- 2. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.



ORDINANCE NO. 2024-10-_____

AN ORDINANCE MODIFYING MUNICIPAL CODE SECTION 50-227 CONCERNING SIGNS PLACED ON PUBLIC PROPERTY AND MODIFYING ZONING REGULATIONS ARTICLE 27 (SIGNS) ADOPTING SUCH REGULATIONS BY REFERENCE AND MODIFYING MUNICIPAL CODE TO SO REFLECT.

WHEREAS the City Commission of Arkansas City adopted Zoning Regulations on May 20, 2014, and since amended both sets of regulations; and

WHEREAS such regulations need to be reviewed and amended from time to time and the 2022 Comprehensive Plan recommended certain changes; and

WHEREAS a recent case brought before the Planning Commission brought to light that regulations concerning billboards needed to be amended; and

WHEREAS on the 10th day of September 2024 the Planning Commission held a public hearing after due public notice on the proposed amendments to Article 27 Signs; and

WHEREAS on that date the Planning Commission recommended the Governing Body adopt the amendments to the Zoning Regulations; and

WHEREAS the Governing Body desires to accept the Planning Commission's recommendation and adopt the amended Zoning Regulations Article 27 Signs; and

WHEREAS the Governing Body also desires to amend conflicting provisions in Municipal Code Section 50-227 to refer to the Zoning Regulations for any exceptions to the placement of signs on public property.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: AMENDMENTS TO MUNICIPAL CODE PART III, TITLE 18 SECTION 18.1

The Governing Body desires to amend Article 27 of the City's Zoning Regulations regarding billboard signs and signs excluded from regulations; said amended Article 27 is attached hereto and incorporated by reference as if fully set forth herein. The Governing Body therefore hereby amends Arkansas City Municipal Code Part III, Title 18 to read as follows (new provisions in italics; deleted provisions struck through):

Title 18 - ZONING

Sec. 18.1. - Adopted by reference.

The City of Arkansas City Zoning Regulations (hereafter "Zoning Regulations"), as prepared in book form by the Planning Commission under date of ~~October 10, 2023~~ *September 10, 2024*, following a public hearing as required by state law, and the same and new zoning map are hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq., K.S.A. 12-3009 et seq. and K.S.A. 12-3301 et seq.

SECTION TWO: AMENDMENTS TO MUNICIPAL CODE PART II, SECTION 50-227

The Governing Body hereby amends Section 50-227 of the Municipal Code to read as follows (new provisions in italics; deleted provisions struck through):

Sec. 50-227. - Public property.

No portable or movable sign or other encroachment may be maintained or allowed to remain upon public property- *except as provided for in Zoning Regulations Sections 27-301 and 27-401 as adopted by reference.*

SECTION THREE: The Governing Body of the City of Arkansas City hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION FOUR: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 15th day of October 2024.

(Seal)

Jay Warren, Mayor

ATTEST:

Tiffany Parsons, City Clerk

DRAFTED AND APPROVED AS TO FORM:

Larry Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2024-10-_____ of the City of Arkansas City, Kansas adopted by the Governing Body thereof on October 15, 2024, as the same appears of record in my office.

DATED: _____.

Tiffany Parsons, City Clerk