

ORDINANCE NO. 4252

AN ORDINANCE AMENDING SECTION 803.6 OF THE ZONING CODE DEALING WITH ATTENTION-ATTRACTING DEVICES AND ELECTRONIC SIGNS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1. City Zoning Code Section 803.6 is amended in its entirety to read as follows:

803.6. Attention-Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs, as defined in Section 403.0, shall be permitted in any zoning district for noncommercial purposes if:
 1. Such devices or signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization; and
 2. Receive approval of the City Commission; and
 3. Comply with and follow all requirements and standards designated for their use as set forth in Section 802.5.

Section 2. This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas on the 28th day of September 2017.

Fred D. Meier

Fred D. Meier, Mayor

ATTEST:

(SEAL)

Michael A. Borovetz
Michael A. Borovetz, City Clerk



Planning Commission

- c. **Consider text amendments to the zoning code; specifically, Article VIII, relating to Attention Attracting Devices and Electronic Signs.**

Summary Regarding Text Amendment

The City has received request(s) from non-profit organizations that are desirous of updating their signage with electronic versions. As a result, the City Commission at their July 27, 2017 meeting initiated a text amendment to Section 803.6 of the zoning code for consideration by the Planning Commission. Section 803.6 is included in Article VIII – Sign Regulations and relates to Attention Attracting Devices and Electronic Signs.

Section 803.6 currently reads:

803.6. Attention-attracting devices:

- a. Any attention-attracting device, as defined in section 403.0, Definitions, of this ordinance, is hereby prohibited from use except for the following:
 1. Signs designating time, date, temperature, community service and similar information when approved by the city commission.
 2. Electronic signs as defined in section 403.0, Definitions, following all requirements and standards designated for their use in the C-2 and C-4 districts only as stated in section 802.5 of the District Sign Regulations.

Section 403.0 defines attention-attracting devices as:

Attention-attracting device: Any flasher, blinker, animation, banner or other object designed or intended to attract the attention of the public to an establishment or to a sign, except that any sign whereon the primary use is current time, temperature and/or community service information is indicated by intermittent lighting shall not be deemed as an attention-attracting device.

Action by the Planning Commission

1604.2. Amendments to text: When a proposed amendment would result in a change in the *text* of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

Staff Recommended Text Amendment

803.6 Attention – Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, Definitions, of this ordinance, is hereby prohibited from use except as **hereinafter provided**.

- b. **Attention-attracting devices and electronic signs as defined in Section 403.0, Definitions, shall be permitted in any zoning district for non-commercial purposes if such signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization, receive approval of the City Commission, and if the electronic signs follow all requirements and standards designated for their use as set forth in Section 802.5.**
1. **Whether such change is consistent with the intent and purpose of these regulations.**
The intent and purpose of these regulations will be upheld by only allowing “non-profit or charitable organizations” not located in a C-2 or C-4 zone to use electronic signage if approved by the City Commission and if the established criteria for electronic signs found in 802.5(c) is adhered to.
2. **The areas which are most likely to be directly affected by such change and in what way will be affected.**
The area affected will be any non-profit or charitable organization not located in a C-2 or C-4 zone that receives approval from the City Commission to have electronic signage; and any neighboring properties which could be in residential zones.
3. **Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.**
With the changes and advances in technology, electronic signage for nonprofit organizations, such as churches, is becoming popular and more affordable than in the past. The text amendment would allow only non-profit organizations not currently located in a C-2 or C-4 zone to use electronic signage while keeping the spirit of the regulation by requiring Commission approval and enforcement of restrictions included in 802.5(c).

City staff recommends authorizing a text amendment to Section 803.6 of Article VIII – Sign Regulations as follows:

803.6 Attention – Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, Definitions, of this ordinance, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs as defined in Section 403.0, Definitions, shall be permitted in any zoning district for non-commercial purposes if such signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization, receive approval of the City Commission, and if the electronic signs follow all requirements and standards designated for their use as set forth in Section 802.5.

Adjournment