

RESOLUTION

No. 218-2004

DATE PUBLISHED: December 23, 2004

A RESOLUTION AMENDING CHAPTER 6, ARTICLE VI OF THE *SEDGWICK COUNTY CODE*, THE “SIGN CODE”; PROVIDING FOR PENALTIES AND PROSECUTIONS FOR VIOLATIONS THEREOF; REGULATING AND CONTROLLING THE INSTALLATION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, AND MAINTENANCE OF SIGNS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; ESTABLISHING FOR SIGN HANGERS, LICENSE REQUIREMENTS AND PENALTIES FOR VIOLATIONS THEREOF, AND FOR THE PROCESS OF SUSPENSION OR REVOCATION THEREOF; AND REPEALING SEDGWICK COUNTY RESOLUTION NO. 311-1988 AND ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which resolution adopted the Sedgwick County Code; and

WHEREAS, on the 21st day of December, 1988, the Board of County Commissioners adopted Resolution No. 311-1988, which resolution adopted the current Sedgwick County Sign Code.

WHEREAS, Chapter 6, Article VI, of the Sedgwick County Code contains the codified Sedgwick County “Sign Code”; and

WHEREAS, the Board of County Commissioners finds that amendments to the Sign Code are necessary and desirable; and

WHEREAS, the Board of County Commissioners is authorized and empowered to adopt such resolutions pursuant to K.S.A. 19-101 through 19-101f and amendments thereto.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE VI.

Chapter 6, Article VI of the Sedgwick County Code is hereby amended, and shall hereafter read as follows:

ARTICLE VI. SIGN CODE

Sec. 6-341. General.

(a) *Title.* This code shall be known as the Sedgwick County “Sign Code,” and may be cited as such, and may also be referred to herein as “this Code” or “this Article.”

(b) *Jurisdiction.* This Code shall apply to the unincorporated area of Sedgwick County, Kansas.

(c) *Purpose.* The purpose of this Code is to encourage the effective use of signs as a means of communication within the jurisdiction of this Article; to maintain and enhance the aesthetic environment and Sedgwick County's ability to attract sources of economic development and growth; to improve pedestrian and vehicular safety; to eliminate excessive and confusing signage; to promote compatibility of signage with nearby public and private property; to enable the fair and consistent enforcement of this Article by governing the placement, use and structural quality of outdoor signs and other advertising and identification devices together with their appurtenant and auxiliary apparatus.

(d) *Scope.* After the effective date of this Code no sign shall be erected, constructed, reconstructed or otherwise altered except in accordance with the provisions of this Article, and without first obtaining a separate sign permit. Such sign permit shall be legally issued only when in compliance with the regulations set forth in this Article.

(e) *Objectives.* This Code is found to be necessary and proper to achieve the following objectives:

- (1) To protect the general public from damage and injury, which may be caused by the faulty and unregulated construction of signs.
- (2) To prevent the obstruction of traffic visibility and confusion with traffic control devices resulting from improperly placed and designed signs.
- (3) To ensure the visual quality of signs and preserve and promote aesthetic quality in Sedgwick County, Kansas.
- (4) To promote the public health, safety, and general welfare of the community.

(f) *Violations.*

- (1) *Issuance of uniform complaint and notice to appear.* Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Sign Code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and

cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the code for the enforcement of county codes and resolutions. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.

- (2) *Procedures.* Procedures for prosecution of violations of the Building Code and this article shall be pursuant to chapter 8 of the Sedgwick County Code.
- (3) *Classification of violations and schedule of fines.* An accused person who shall be convicted in the district court for violation of any provision of the Sign Code or this article shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed \$500.00; provided further, the minimum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines in section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein, and each and every violation of this article shall be a class G violation, except that a violation of Section 6-344(i), *Sign Hanger Licensing and Bonding*, shall be a class I violation.
- (4) *Separate Offense.* Each day that any violation of the Sign Code or of this article occurs after the passage of the reasonable time for performance of any act required by a Notice of Violation(s) or Order(s) to Comply has been served in accordance with the terms and provisions hereof shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this article is continuing, then in addition to the penalty as set forth, the Court may enter such order as it deems appropriate to cause the violation to be abated.
- (5) *Effect of Permit.* The issuance or granting of a permit shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Sign Code or of this article. No permit presuming to give authority to violate or cancel the provisions hereof shall be valid, except insofar as the work or use which it authorized is lawful.

(g) *Variations.* The Sedgwick County Board of Zoning Appeals is hereby granted authority to authorize in specific cases a variance from the specific terms of this Article that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship, and provided that the spirit of this Article shall be observed, public safety secured, and substantial justice done. Variations under this Article shall be

granted under the same procedures and conditions as set forth within the Unified Zoning Code of Wichita & Sedgwick County, Kansas.

Sec. 6-342. Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) General.
 - (1) **ABANDONED SIGN:** Any sign, including off-site signs unless owned and operated by a bona fide billboard company, which for a period of at least 90 days no longer directs a potential customer to or exhorts any person, or advertises a bona fide business, project, product, service or activity, or which no longer shows evidence of regular maintenance or repair. If an off-site sign is owned and operated by a bona fide billboard company, the length of time before the sign shall be considered abandoned as determined above shall be 180 days, instead of 90 days.
 - (2) **DAMAGED SIGN:** Any sign that has been damaged by any means to the extent of more than fifty percent (50%) of its fair market value.
 - (3) **DIRECTOR:** The Director of the Sedgwick County Department of Code Enforcement, or his designee.
 - (4) **DOUBLE-FACED SIGN:** A sign having two faces or sides designed for use as a sign message area.
 - (5) **FACADE:** The entire exterior surface of a particular side of a structure or establishment.
 - (6) **INDIRECTLY ILLUMINATED SIGN:** Any sign that is partially or completely illuminated at any time by a light source separate from the sign housing.
 - (7) **INSTITUTION(S):** The building, or group of buildings, of an established not-for-profit organization or foundation.
 - (8) **OFF-SITE SIGN:** A permanent sign that carries a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon, and shall include all billboard signs.
 - (9) **ON-SITE SIGN:** A sign that carries only advertisement that is incidental to a use of the premises where it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, and/or name of the person, firm or corporation occupying the premises.

- (10) OWNER: Any person(s), firm(s), corporation(s), or any other legal entity having legal title to or significant proprietary interest in a tract of land (including leasehold interests) or a sign.
- (11) SIGN: Any advertising device or surface placed outside of a building, on or off premises, which conveys information or identification. Included in this definition of “sign” shall be any structure used for said display and all sign supports.
- (12) SIGN, GROSS SURFACE AREA OF: The gross surface area of a sign shall be the sum of all surface areas of the sign faces that are visible from the traveled way to which they face; except that ground or pole signs designed as double-faced signs, with both faces parallel and when a distance between the faces does not exceed three (3) feet, then only one face of the sign shall be considered in determining the sign area. In determining the surface of a sign, each face of a sign may be broken down into two areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such sign when they do not form an integral part of the display, nor shall it include architectural embellishments when such do not contain any advertising or printed copy, are not lighted, and do not exceed ten percent (10%) of the permitted sign area.
- (13) SIGN AREA, MAXIMUM GROSS SURFACE AREA: Maximum allowed square footage of sign area permitted per zoning lot.
- (14) SIGN, HEIGHT: Sign height shall be determined by measuring from ground level at the foundation of the sign to the highest element of the sign.
- (15) SIGN SETBACK: The minimum sign setback shall be the horizontal distance between a sign and a front and side lot line, as measured from that part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the front and side lot line.
- (16) SIGN STRUCTURE: An element, or assemblage of elements, which support or are capable of supporting a sign. A sign structure may be free standing, attached to a building, an integral part of the building, or combination thereof.
- (17) VISIBILITY TRIANGLE: The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines at points that are thirty (30) feet distant from the point of intersection, measured along said road right-of-way lines. Also, the triangular area formed by the intersection of street right of way and private driveway where a straight line joining the street right of way 30' from the edge of driveway and a point 6' back of street right of way along driveway.

(b) Classification of Signs.

(1) *Functional Types of Signs.*

- a. ADVERTISING DECORATION: Any sign that has attached various sign materials used for temporary display and decoration, including streamers, banners, pennants, pinwheels, commercial flags, bunting, and similar devices.
- b. ANIMATED SIGN: A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
- c. BILLBOARD: An off-site sign, or portion thereof, consisting of outdoor signs that advertise, promote, or otherwise disseminate information pertaining to goods, products, or services, including charitable services, political services or appeals, not related to goods, products, or services that comprise a primary use on the premises where the sign is located.
- d. BULLETIN BOARD SIGN: An on-site sign containing the name of the institution or organization, which may include names of persons connected with it, announcing persons, events or activities occurring at the institution or organization. Such signs may also present a greeting or similar message.
- e. BUSINESS SIGN: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered, or to the name and address of building, business, development, or establishment on the premises where the sign is located.
- f. CONSTRUCTION SIGN: A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, similar artisans, and financiers involved in the design and construction of a structure or project during the period of construction.
- g. DIRECTIONAL SIGN: An on-site sign containing words or symbols indicating an entrance to, or exit from, a building as well as the location of parking, loading, restrooms, and emergency entrances that are for the convenience of the public.
- h. ELECTRONIC MESSAGE SIGN: A variable message sign that utilizes computer generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LED's, LCD's, or a flipper matrix and also enable changes to be made from locations other than at the sign.

- i. FLASHING SIGN: A sign with an intermittent or flashing light source. Generally the sign's message is constantly repeated.
- j. FARM/RANCH DIRECTIONAL SIGN: An off-site sign that provides direction to the headquarters of the farm or ranch.
- k. NAMEPLATE SIGN: An on-site sign giving the name and/or address of the owner or occupant of a building or premises where it is located, and where applicable, a professional title.
- l. OFFICIAL SIGN: A sign erected, maintained and owned by a public entity within its own jurisdiction or, for a city or affiliated entity, within three (3) miles of the city limits.
- m. POLITICAL SIGN: A sign pertaining to the announcement of an individual being a legally-registered candidate for an elective political office. Any such sign exceeding thirty two (32) square feet of gross surface area shall be classified as a billboard sign and regulated accordingly.
- n. PROJECT DIRECTORY SIGN: An on-site sign containing the names and locations, in list or map form, of the individual components making up a unified development, shopping center, or similar project.
- o. PROJECT TITLE SIGN: An on-site sign that carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, unified development, manufactured home park, and similar projects. A project title sign shall also include signs placed prior to actual development designating the location as the "Future Home of . . .", or similar message.
- p. REAL ESTATE SIGN: An on-site sign displayed for the purpose of offering real property for sale, lease or rent.
- q. REAL ESTATE DIRECTIONAL SIGN: An off-site sign that provides direction to the location where real estate is offered for sale or lease not to exceed one hundred twenty eight (128) square feet along state or federal highway frontage or thirty two (32) square feet on all other county road frontage.
- r. RURAL BUSINESS DIRECTIONAL SIGN: An off-site sign that provides direction to the location of a business.
- s. SERVICE SIGN: A sign that is owned by and displays information on a non-profit, service, charitable and/or religious organization or group.
- t. SPECIAL SIGN: Any sign classified as a farm/ranch directional sign, rural business sign and/or a service sign.

- u. **SPECIAL EVENT SIGN:** A temporary, on-site sign used to advertise an event being held at a park, playground or community facility owned by or under the control of a public agency or homeowners association and that provides opportunities for active or passive recreational activities, and a cultural facility that provides cultural services to the public, including a museum, art gallery, observatory, planetarium, botanical garden, arboretum, zoo, or aquarium. For purposes of this definition, parks, playground, community or cultural facilities that are owned or under the control of a public agency and leased to private entities for recreational activities, including recreational activities and cultural uses that involve paid admission. Special events shall not exceed 45 days.
- v. **TEMPORARY SIGN:** Any on-site sign, including, but not limited to, signs of lightweight cardboard, airborne, plastic or paper material, displayed for not more than four (4) consecutive days, nor more than twelve (12) days per year.

(2) *Structural Types of Signs.*

- a. **BUILDING SIGN:** An on-site sign attached or painted onto a wall, awning, canopy, building or structure, or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed any of the following: (1) the highest point of the coping of a flat roof, (2) the deck line of a mansard roof, (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof, or (4) three feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign that shall not exceed four feet, six inches above the roof or parapet.
- b. **COMMERCIAL BALLOON SIGN:** An on-site, temporary sign that is inflated and exceeds five (5) square feet in area, as measured at the largest cross-section, designed to advertise a specific product or service sold, produced or conducted on the premises, on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloon signs may be tethered or mounted to a structure or the ground.
- c. **GROUND SIGN:** A sign placed upon, or supported by the ground independently of any building or structure on the property. This includes a sign supported on poles or posts, where the face is less than six (6) feet above ground level.
- d. **MONUMENT SIGN:** A detached ground sign for which the width of the widest part of the base of the sign is at least one half the width of the widest part of the

sign face, or for which the base consists of two or more supports where the sign face is not more than two feet above the average grade of the ground under the sign face. The materials of the base shall be one of the following: masonry, wood, anodized metal, stone or concrete. A monument sign shall harmonize with the architecture of the structure or complex that it serves and be constructed of materials consistent with the same.

- e. POLE SIGN: A sign where the base of the sign face is more than six (6) feet above ground level and is supported by poles or posts.
- f. PORTABLE SIGN: A temporary on-site sign designed in such a manner to be readily movable and not permanently attached to the property; such as, A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such signs shall not exceed a height of ten (10) feet above grade; and shall not exceed sixty (60) square feet per side in gross surface area.
- g. PROJECTING SIGN: Any sign that is wholly or partially attached to and dependent upon a building for support and that projects more than 1 foot beyond the face of said building.

Sec. 6-343. General Sign Requirements. The following provisions shall apply to the construction, erection or placement of any sign at any location, unless otherwise specified.

(a) Traffic Safety. No sign shall be maintained at any location where it may interfere with the view of, or where it may obstruct the view of, or interfere with, mislead or confuse traffic. No sign shall be placed in the visibility triangle as defined in this Article; provided, however, that a pole sign may project into said area so long as the bottom edge of the sign is at least ten (10) feet above the centerline grade of the intersecting streets and the sign supports are constructed to minimize the obstruction of the view of traffic.

(b) Illuminated Signs. Illuminated signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park.

(c) Use of Spotlights And Floodlights for Illumination. It shall be unlawful for any person to maintain any sign that is wholly or partially illuminated by floodlights or spotlights that interfere with the vision of pedestrians or vehicular traffic.

(d) Signs Not To Be Located Within Public Right of Way. Any signs and supports that are located upon or over the public right-of-way, including streets, alleys and parkways, shall be prohibited except as permitted in Section 6-345(c); provided, however, the following exceptions shall be allowed:

- (1) Signs and supports required by governmental authority.

- (2) Signs on commercial vehicles or commercial trailers that denote the name and address of a bona fide business that owns or leases said vehicle when these vehicles are lawfully operated or parked and not used expressly for the purpose of advertising a product, service or activity.
- (3) A temporary sign located on public property used to announce a special event or activity when authorization is granted by the Governing Body in writing.
- (e) Signs on property owned by Sedgwick County. Shall be permitted, regardless of zoning, when they denote the name and/or address of the property, identify buildings on the property or are directional signs specific to the property.
- (f) Obstruction to Exit. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- (g) Obstruction to Ventilation. No sign shall be erected that interferes with any opening required for ventilation.
- (h) Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.
- (i) Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phrased in terms of “signs per zoning lot” shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.
- (j) Special Signs. Any sign that is classified as a farm/ranch directional sign, rural business sign and/or a service sign shall be permitted.
- (k) Maintenance Required. Signs shall be maintained so as to be structurally sound and in a safe condition, and shall be kept in a state of un-deteriorated appearance by means of painting, sealing or coating and repair or replacement of damaged parts, panels or lights.
- (l) Classification of Signs.
- (1) Functional Signs.
- a. Advertising Decoration Sign.
 - b. Animated Sign.
 - c. Billboard Sign.
 - d. Bulletin Board Sign.
 - e. Business Sign.
 - f. Construction Sign.
 - g. Directional Sign.
 - h. Electronic Message Sign.

- i. Flashing Sign.
- j. Farm / Ranch Directional Sign.
- k. Nameplate Sign.
- l. Official Sign.
- m. Political Sign.
- n. Project Directory Sign.
- o. Project Title Sign.
- p. Real Estate Sign.
- q. Real Estate Directional Sign.
- r. Rural Business Directional Sign.
- s. Service Sign.
- t. Special Sign.
- u. Special Event Sign.
- v. Temporary Sign.

(2) *Structural Signs.*

- a. Building Sign.
- b. Commercial Balloon Sign.
- c. Ground Sign.
- d. Pole Sign.
- e. Portable Sign.
- f. Projecting Sign.

Sec. 6-344. Permit Procedures and Requirements; Sign Hanger License.

(a) *Permit.* Except for signs listed in subsection (g) of this section, no sign shall be painted, constructed, erected, repainted, remodeled, relocated, or expanded unless such sign complies with the requirements of this Article. A permit must be obtained from the Director prior to such act. Fees for said sign permits, as specified in subsection (i) of this section, shall be paid to the County before any permit is issued. For all signs requiring permits and exceeding one hundred (100) square feet or ten (10) feet in height, said permits shall only be issued to a licensed sign hanger.

(b) *Application for Permit.* Application for a permit shall be made in writing upon forms provided by the Director and shall contain, or have attached, such information as the Director shall deem necessary to show full compliance with this and all other applicable laws and regulations of Sedgwick County, Kansas. This may include drawings indicating the sign legend or advertising message, location, dimensions, construction and structural design. If the Director deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

(c) *Issuance of Permit.*

- (1) Upon the filing of an application for a sign permit, the Director shall examine such plans and specifications, along with the premises on which the sign is proposed to be erected, and other pertinent data, to determine if the provisions of this Article are complied with. If all such requirements are met, the permit shall be issued. If the work authorized by such permit is not started within 180 days from the date of its issuance, such permit shall become null and void. The Director may authorize up to a 180 day extension.
- (2) The issuance of the Sign Permit as required by this Article shall not act in lieu of any other permits or fees required by any other provisions of this Article or any other rules or regulations applicable to such sign and its placement.
- (d) Inspections: Right of Entry. All signs for which a permit is required shall be subject to inspection by the Director. Footing inspections may be required by the Director for all signs having footings. The Director may order the removal of any sign that is not maintained in accordance with the provisions of this Article. All signs may be re-inspected at the discretion of the Director. The Director may also enter any building and upon any premises at any reasonable time for the purpose of inspection or to prevent a violation of this Article, upon presentation of the proper credentials.
- (e) Sign Removal.
 - (1) All abandoned signs and their supports shall be removed within thirty (30) days from the date of notification of abandonment by the Director. The Director may grant a time extension not exceeding an additional thirty (30) days for an abandoned, non-damaged sign. All damaged signs shall be repaired or removed within thirty (30) days of the date of notification by the Director.
 - (2) The Director shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this Article which has not been removed within the time period specified in this Article, or any other sign maintained in violation of the provisions of this Article. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting. The Director shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this Article.
 - (3) The notice shall be mailed or given to the owner of the sign, or the occupant of the property upon which the sign is located or their employee or representative, or to the owner of the property on which the sign is located as shown on the records of the Sedgwick County Register of Deeds.
 - (4) In addition, any temporary sign placed on private property in violation of any provision of this Article may be removed and impounded by the Director. The Director shall prepare a notice and specify the violation involved which shall state that if the sign is not removed or the violation not corrected within seventy-two (72) hours, the sign shall be

impounded. This notice shall be served upon the owner or agent of such sign and where possible, upon the occupant of the property where the sign is located. Such sign shall be retained by the Director for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the County. Such sign may be recovered by the owner within thirty days upon payment of a service charge of fifteen dollars (\$15.00) per sign.

- (5) When in the opinion of the Director any sign is in such condition as to constitute an imminent hazard requiring immediate action to protect the public, he may erect barricades or cause the sign to be taken down, repaired, shored, or otherwise made safe without delay. Such action, under such circumstances, may be taken without prior notice to or hearing of the owner, agents, lien holders, and occupants.
- (6) Any person having an interest in a sign or the property on which the sign is located may appeal the determination of the Director ordering removal or compliance by filing a written notice of appeal.
- (7) Any cost incurred by the County associated with the demolition, removal or repair of any sign under the provisions of this Article shall be levied, certified, and collected as a special assessment against the lot or tract of ground upon which the sign was located. Said assessment, if not paid when due, shall be certified to the County Clerk for collection with other special assessments.

(f) *Exemptions From Permits.* The following signs shall be exempt from paying fees and obtaining a sign permit; however such signs shall be subject to the size restrictions within this Article. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this Article):

- (1) Real estate sign advertising the sale, rental or lease of the premises on which the sign is displayed; with the following limitations: One (1) unlighted sign per street frontage per listing not exceeding eight (8) square feet in area, provided that a maximum of four (4) real estate signs be permitted on a zoning lot.
- (2) Real estate directional sign not exceeding six (6) square feet in area.
- (3) Any indoor signs, even though such signs may be visible from outside the building.
- (4) Temporary signs announcing permitted miscellaneous sales such as garage sales or the birth of a child, birthdays, weddings, anniversaries, or other similar non-commercial events limited to a maximum display time of four (4) consecutive days and twelve (12) days per year.
- (5) Non-electrical nameplates, not exceeding two (2) square feet in area.

- (6) Non-electrical construction signs for single-family or duplex dwellings denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding eight (8) square feet in area.
 - (7) Non-electrical memorial signs or tablets giving names of persons or buildings and date of erection not to exceed ten (10) square feet in size.
 - (8) Signs of a duly constituted governmental body, including official signs, directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs.
 - (9) Auction signs placed along roads and highways (on private property) advertising auctions off said roads or highways; provided, said signs shall not be placed more than fifteen (15) days prior to said auction and shall be removed within 7 days of the completion of said auction or sale. Said signs shall not be more than thirty two (32) square feet in area and shall not be illuminated nor shall they be located more than five (5) miles from auction site. Signs shall be limited to one (1) sign per mile of road or highway.
 - (10) Political signs not exceeding thirty two (32) square feet when located on private property with the permission of the owner or tenants. All signs shall be removed within seven (7) days following the election in which the candidate is elected to office or is eliminated from further participation in the election as a candidate.
 - (11) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property, but only if the flag or emblem is used solely as an identifying symbol and does not include advertising language.
 - (12) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
 - (13) Such non-electrical signs as “No Hunting,” “No Fishing,” “No Trespassing,” and other similar signs not exceeding two (2) square feet in area.
- (g) Temporary Sign Permits. Unless expressly exempted by this Article, no temporary sign shall be placed on any property without first obtaining a temporary sign permit. Such permit shall be subject to the following requirements:
- (1) Temporary signs limited to no more than two (2) per business and limited to a maximum display time of four (4) consecutive days and twelve (12) days per year.
 - (2) Construction signs denoting the architect, engineer or contractor when placed on the site of work under construction and not exceeding thirty-two (32) square feet in area in the

“TF-3” or more restrictive zoning districts or one-hundred-twenty-eight (128) square feet in all other zoning districts, provided that no more than one sign per street frontage shall be permitted and signs shall be removed no more than seven (7) days after final inspection of the work under construction.

- (3) Project title signs for subdivision identification, both on-site and off-site, subject to the following conditions:
 - a. On-site signs shall be allowed as long as lots remain vacant within the subdivision. Off-site signs shall be allowed for a maximum of two (2) years; however the Director may grant six (6) month extensions until the subdivision is seventy percent (70%) sold to either a builder or an individual buyer.
 - b. On-site and off-site signs shall be unlighted; shall be neither reflective nor fluorescent; and shall be used exclusively for the purpose of advertising the subdivision.
 - c. No sign shall be authorized until the final subdivision plat has been duly recorded.
 - d. On-site signs shall be located at or near entrances to the portion of the subdivision under construction, and not more than two (2) sign structures shall be maintained in any one (1) subdivision less than forty (40) acres in size. For each additional forty (40) acres or fraction thereof, one (1) additional sign may be erected.
 - e. Off-site signs shall be located on the most direct routes from the major road network to the location of the subdivision. However, when said off-site sign is located along a highway that is regulated by the billboard provisions of this Article, the location of such off-site sign shall be subject to the billboard provisions of this Article. The maximum area shall be one hundred twenty-eight (128) square feet for each sign.
 - f. The maximum height of any sign shall be sixteen (16) feet.
- (4) Advertising decoration signs, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals, and the like, with a limit of twelve (12) such events and a total time limitation of eight (8) weeks within any calendar year for any business or institution.
- (5) Portable signs will be limited to one (1) per zoning lot. Any such sign shall be located no closer than one hundred fifty (150) feet to any existing sign structure and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the portable sign in relation to the street right of way line and the distance

from driveway approaches. Any portable sign permitted by this section shall not exceed sixty (60) square feet in gross surface area per side.

- (6) Special Event signs will be limited to one (1) sign per public road right of way or per public entrance per zoning lot. Signs may be placed no more than fourteen (14) days prior to event and must be removed within two (2) days after event.

(h) Fees. Fees for sign permits shall be paid to the County before any permit is issued. For all signs requiring permits, said permits shall only be issued to a licensed and bonded sign hanger. The fees to be paid shall be as follows:

- (1) For each new sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per each ten (10) square feet in gross surface area or fraction thereof.
- (2) For each existing sign that is altered to increase the area or height of the sign, the sign permit fee shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per each ten (10) square feet in gross surface area or fraction thereof.
- (3) For each existing on-site sign where the copy is altered or changed by painting or replacing sign faces, and where there are no structural changes and no increase in height or area occurs, the sign permit fee shall be twenty-five dollars (\$25.00). This fee shall not apply when a change is made to add an additional face to a single face sign. Further, no permit or fee is required for mere repainting or replacement of a damaged sign face when there is no substantive change or alteration to existing copy and no increase in the height or area of the sign.
- (4) For each real estate sign exceeding eight (8) square feet that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee shall be fifteen dollars (\$15.00), plus four dollars (\$4.00) per each ten (10) square feet in gross surface area or fraction thereof.
- (5) For temporary signs permits, including Special Event signs, the sign permit fee shall be fifteen dollars (\$15.00), plus one dollar (\$1.00) for each ten (10) square feet in gross surface area.
- (6) For commercial balloon signs, the sign permit fee shall be fifteen dollars (\$15.00) for each seven-day permit issued under the provisions of this Article. Such commercial balloon sign permits shall be obtained by a licensed sign hanger.
- (7) The payment of a double fee shall be required for failing to obtain the appropriate permit prior to the placement, location, erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing, or creation by painting a sign required to have a permit under the provisions of this Article. Such event shall not relieve any person

from complying with other provisions of this Article or from the penalties prescribed herein.

(i) Sign Hanger Licensing and Bonding.

(1) It shall be unlawful for any person, firm, corporation, or other entity, to engage in the business of hanging signs, which involves, in whole or part, the erection, alteration, creating by painting, relocation or maintenance of signs, or other sign work, without a valid sign hanger license issued by the Director of the Department of Code Enforcement. This shall be an annual license, the annual fee for which shall be one hundred dollars (\$100.00). Said annual license shall be for a calendar year. A violation of this section shall be a Class I violation.

(2) To obtain or renew an annual sign hanger license, a person, firm, corporation, or other entity, shall:

- a. Submit a completed application on a form provided by the Department of Code Enforcement, for an original sign hanger license, and for each renewal thereof.
- b. Provide proof of liability insurance to the Department of Code Enforcement in the minimum amount of \$300,000.00 per occurrence.
- c. Pay a nonrefundable license fee of one hundred dollars (\$100.00) either by cash or a certified check, cashier's check or money order, payable to Sedgwick County. The processing of the application and issuance or denial of the license will not take place until the nonrefundable license fee is paid.
- d. Agree to obtain all required permits.

(3) Annual sign hanger licenses are not transferable.

(j) Violations of Sign Hanger License Requirements; Hearing; Penalties. At the request of the Director of the Department of Code Enforcement, a hearing before the board of building examiners and appeals shall be held to determine whether there has been any violation of any of the licensing requirements contained herein and whether the sign hanger license should be suspended or revoked. If any violation is found, the board may order any or all of the following:

1. No further sign permits will be issued to the violating licensee until such time as the violation is abated.
2. All inspections of further work performed by the violating licensee will be suspended until such time as the violation is abated, except extreme hazard or life-safety inspections.

3. A license review, subjecting the violating licensee to possible suspension or revocation of the sign hanger license.

If a sign hanger license is revoked as provided herein, the violating licensee shall be barred from obtaining another sign hanger license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a sign hanger license shall follow the application procedure set forth in Section 6-344(i)(2). Any determination of revocation or suspension of a sign hanger license by the board of building examiners and appeals may be appealed to the Sedgwick County Board of County Commissioners.

Sec. 6-345. Design and Construction Standards. The design and construction of signs and sign structures shall be subject to the following standards:

(a) General Requirements. All signs requiring permits shall comply with the design and construction requirements of the current building code of Sedgwick County, Kansas, and of the current electrical code of Sedgwick County, Kansas.

(b) Ground Signs; Letters, Materials to be Secured. All letters, figures, characters, or representations in cutout or irregular form maintained in conjunction with, attached to, or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.

(c) Projecting Signs; Location. The horizontal clearance between a projecting sign and the curb line shall be not less than 2 feet. A projecting sign projecting more than two-thirds of the distance from the property line to the curb line shall be not less than 12 feet above the ground or pavement below. A projecting sign projecting less than two-thirds of the distance from the property line to the curb line shall be not less than 8 feet above the ground or pavement below.

Sec. 6-346. District Regulations. No sign shall be placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, which does not comply with all of the district regulations set forth in this section for the district in which the sign is located. The Director shall have the authority to determine whether a particular sign fits a listed classification. Signs not listed as permitted in a particular district in this section are not allowed in such district, unless otherwise expressly permitted by other regulations of this Article.

(a) Low-Density Residential Districts. The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "RR" are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) Functional Signs.

- a. Advertising Decoration Sign, except single-family and duplex dwellings.
- b. Billboard.

- c. Bulletin Board Sign, except single-family and duplex dwellings.
- d. Business Sign for permitted home occupations.
- e. Construction Sign.
- f. Directional Sign, except single-family and duplex dwellings.
- g. Nameplate Sign.
- h. Official Sign.
- i. Political Sign.
- j. Project Title Sign.
- k. Real Estate Sign.
- l. Real Estate Directional Sign.
- m. Special Sign.
- n. Special Event Sign
- o. Temporary Sign.

(2) *Structural Signs.*

- a. Building Sign.
- b. Ground Sign.
- c. Pole Sign
- d. Portable Sign

(3) *Number of Signs Permitted.* No more than one (1) on-site ground sign and one (1) on-site building sign shall be permitted for each zoning lot having frontage on a public right-of-way, regardless of the functional type of sign; provided, however, that temporary project title signs shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.*

- a. Advertising Decoration Signs: Eight (8) square feet per sign.
- b. Billboard Signs: One hundred twenty eight (128) square feet per sign face and subject to Section 6-346(j).
- c. Bulletin Board Signs: Twenty-five (25) square feet per sign, except that institutions along designated collector, arterial or expressway streets are permitted forty-eight (48) square feet per sign
- d. Business Sign: Eight (8) square feet per sign.
- e. Construction Signs: Thirty-two (32) square feet per sign, except that signs for single-family and duplex dwellings shall be limited to eight (8) square feet per sign.
- f. Directional Signs: Five (5) square feet per sign.

- g. Nameplate Signs: Two (2) square feet per sign.
- h. Official Signs: One hundred (100) square feet per sign.
- i. Political Signs: Six (6) square feet per sign.
- j. Project Title Signs: Thirty-two (32) square feet per sign, except for temporary signs permitted by Section 6-344(g)(3) of this Article.
- k. Real Estate Signs: Thirty two (32) square feet per sign.
- l. Real Estate Directional Signs: Three (3) square feet per sign.
- m. Special Signs: The maximum size of the sign shall be thirty two (32) square feet per sign.
- n. Special Event Signs: Sixty Four (64) square feet per sign.
- o. Temporary Signs: Eight (8) square feet per sign. Portable signs as permitted by Section 6-344(g)(5).

(5) *Maximum Height.*

- a. For Ground Signs: Six (6) feet.
- b. For Building Signs: As permitted by Section 6-342(b)(2).a.
- c. For Pole Signs: Sixteen (16) feet.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* No sign shall be illuminated, except that Bulletin Board signs may be lighted indirectly with white incandescent or fluorescent lights.

(b) *Medium Density Residential Districts:* The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned “SF-20”, “SF-10”, “SF-5”, or “TF-3” are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) *Functional Signs.*

- a. Advertising Decoration Sign, except single-family and duplex dwellings.

- b. Bulletin Board Sign, except single-family and duplex dwellings.
- c. Business Sign for permitted home occupations.
- d. Construction Sign.
- e. Directional Sign, except single-family and duplex dwellings.
- f. Nameplate Sign.
- g. Official Sign.
- h. Political Sign
- i. Project Title Sign.
- j. Real Estate Sign.
- k. Real Estate Directional Sign.
- l. Special Sign.
- m. Special Event Sign
- n. Temporary Sign.

(2) *Structural Signs.*

- a. Building Sign.
- b. Ground Sign.
- c. Portable Sign

(3) *Number of Signs Permitted.* No more than one (1) on-site ground sign and one (1) building sign shall be permitted for each zoning lot having frontage on a public right-of-way, regardless of the functional type of sign; provided, however, that temporary project title signs shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.*

- a. Advertising Decoration Signs: Eight (8) square feet per sign.
- b. Bulletin Board Signs: Twenty-five (25) square feet per sign, except that institutions along designated collector, arterial or expressway streets are permitted forty-eight (48) square feet per sign
- c. Business Sign: Eight (8) square feet per sign.
- d. Construction Signs: Thirty-two (32) square feet per sign, except that signs for single-family and duplex dwellings shall be limited to eight (8) square feet per sign.
- e. Directional Signs: Five (5) square feet per sign.
- f. Nameplate Signs: Two (2) square feet per sign.
- g. Official Signs: One hundred (100) square feet per sign.

- h. Political Signs: Six (6) square feet per sign.
- i. Project Title Signs: Thirty-two (32) square feet per sign, except for temporary signs permitted by Section 6-344(g)(3) of this Article.
- j. Real Estate Signs: Eight (8) square feet per sign.
- k. Real Estate Directional Signs: Three (3) square feet per sign.
- l. Special Signs: The maximum size of the sign shall be eight (8) square feet per sign.
- m. Special Event Signs: Sixty Four (64) square feet per sign.
- n. Temporary Signs: Eight (8) square feet per sign. Portable signs as permitted by Section 6-344(g)(5).

(5) *Maximum Height.*

- a. For Ground Signs: Six (6) feet.
- b. For Building Signs: As permitted by Section 6-342(b)(2).a.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* No sign shall be illuminated, except that Bulletin Board signs may be lighted indirectly with white incandescent or fluorescent lights.

(c) *Multi-Family Residential Districts.* The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned “MF-18,” “MF-29,” “B,” or “MH” are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) *Functional Signs.*

- a. Advertising Decoration Sign, except single-family and duplex dwellings.
- b. Bulletin Board Sign, except single-family and duplex dwellings.
- c. Business Sign.
- d. Construction Sign.
- e. Directional Sign, except single-family and duplex dwellings.
- f. Nameplate Sign.
- g. Official Sign.

- h. Political Sign.
- i. Project Directory Sign.
- j. Project Title Sign.
- k. Real Estate Sign.
- l. Real Estate Directional Sign.
- m. Special Sign.
- n. Special Event Sign.
- o. Temporary Sign.

(2) *Structural Types.*

- a. Building Sign.
- b. Ground Sign.
- c. Pole Sign.

(3) *Number of Signs Permitted.* Any of the functional types approved for this category, with no more than one (1) on-site ground or on-site pole sign and one building sign permitted per frontage on a public right-of-way for each zoning lot; provided, however, that temporary project title signs shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.*

- a. Advertising Decoration Signs: Thirty (30) square feet per sign per public right of way frontage.
- b. Bulletin Board Signs: Twenty-five (25) square feet per sign, except along designated collector, arterial or expressway streets where the maximum sign area is forty-eight (48) square feet per sign.
- c. Business Sign: Twenty-five (25) square feet per sign, except along designated collector, arterial or expressway streets where the maximum sign area is forty-eight (48) square feet per sign.
- d. Construction Signs: Thirty-two (32) square feet per sign, except that signs for single-family and duplex dwellings shall be limited to eight (8) square feet per sign.
- e. Directional Signs: Five (5) square feet per sign.
- f. Nameplate Signs: Two (2) square feet per sign.
- g. Official Signs: One hundred (100) square feet per sign.
- h. Political Signs: Six (6) square feet per sign.

- i. Project Directory Signs: Thirty-two (32) square feet per sign.
- j. Project Title Signs: Thirty-two (32) square feet per sign, except for temporary signs permitted by Section 6-344(g)(3) of this Article.
- k. Real Estate Signs: Eight (8) square feet per sign.
- l. Real Estate Directional Signs: Three (3) square feet per sign.
- m. Special Signs: The maximum size of the sign shall be eight (8) square feet per sign.
- n. Special Event Signs: Sixty Four (64) square feet per sign.
- o. Temporary Signs: Eight (8) square feet per sign. Portable signs as permitted by Section 6-344(g)(5).

(5) *Maximum Height.*

- a. For Ground and Pole Signs: Twenty (20) feet.
- b. For Building Signs: As permitted by Section 6-342(b)(2).a.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* Shall be limited to external or internal illumination of white light.

(d) *Office, Retail, and University Districts.* The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "NO", "GO", "NR", or "U" are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) *Functional Signs.*

- a. Advertising Decoration Sign.
- b. Bulletin Board Sign.
- c. Business Sign.
- d. Construction Sign.
- e. Directional Sign.
- f. Nameplate Sign.
- g. Official Sign.
- h. Political Sign.

- i. Project Directory Sign.
- j. Project Title Sign.
- k. Real Estate Sign.
- l. Real Estate Directional Sign.
- m. Special Sign.
- n. Special Event Sign
- o. Temporary Sign.

(2) *Structural Signs.*

- a. Building signs.
- b. Ground sign.
- c. Pole sign.
- d. Projecting sign.

(3) *Number of Signs Permitted.* The following standards shall apply:

- a. Building Signs and Projecting Signs: One on-site sign per building elevation fronting a public right-of-way or parking area for each major use in the building; provided, however, that the total sign area does not exceed thirty-two (32) square feet for each major use in the building.
- b. Ground Signs and Pole Signs: One on-site sign per frontage on a public right-of-way for each for each major use; provided, however, that the total sign area on ground or pole signs does not exceed thirty-two (32) square feet for each major use. Multi-tenant lots sharing the same sign structure may have up to twenty four (24) square feet each, not to exceed ninety six (96) square feet. A minimum separation of 150 feet shall be maintained between ground or pole signs on the same zoning lot.
- c. Project Title Signs: Temporary project title signs shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.*

- a. Advertising Decoration Signs: Thirty (30) square feet per sign.
- b. Bulletin Board Signs: Twenty-five (25) square feet per sign, except along designated collector, arterial or expressway streets where the maximum sign area is forty-eight (48) square feet per sign.
- c. Business Sign: Twenty-four (24) square feet per tenant sign, except along designated collector, arterial or expressway streets where the maximum sign area is forty-eight (48) square feet per tenant sign.

- d. Construction Signs: Thirty-two (32) square feet per sign.
- e. Directional Signs: Five (5) square feet per sign.
- f. Nameplate Signs: Two (2) square feet per sign.
- g. Official Signs: One hundred (100) square feet per sign.
- h. Political Signs: Six (6) square feet per sign.
- i. Project Directory Signs: Sixteen (16) square feet per sign.
- j. Project Title Signs: Thirty-two (32) square feet per sign, except for temporary signs permitted by Section 6-344(g)(3) of this Article.
- k. Real Estate Signs: Eight (8) square feet per sign.
- l. Real Estate Directional Signs: Three (3) square feet per sign.
- m. Special Event Signs: Sixty Four (64) square feet per sign.
- n. Temporary Signs: Eight (8) square feet per sign. Portable signs as permitted by Section 6-344(g)(5).

(5) *Maximum Height.*

- a. For Ground and Pole Signs: Twenty-two (22) feet.
- b. For Building Signs: As permitted by Section 6-342(b)(2).a.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* Shall be limited to external or internal illumination of white light.

(e) *Office Warehouse and Industrial Park Districts.* The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "OW" or "IP" are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) *Functional Signs.*

- a. Advertising Decoration Sign.
- b. Billboard Sign.

- c. Bulletin Board Sign.
- d. Business Sign.
- e. Construction Sign.
- f. Directional Sign.
- g. Nameplate Sign.
- h. Official Sign.
- i. Political Sign.
- j. Project Directory Sign.
- k. Project Title Sign.
- l. Real Estate Sign.
- m. Real Estate Directional Sign.
- n. Special Sign.
- o. Special Event Sign
- p. Temporary Sign.

(2) *Structural Signs.*

- a. Building signs.
- b. Ground sign.
- c. Pole sign.
- d. Projecting sign.

(3) *Number of Signs Permitted.* The following standards shall apply.

- a. Building Signs and Projecting Signs: One per building elevation fronting a public right-of-way or parking area for each major use in the building; provided, however, that the total sign area on awning and canopy signs, projecting signs, and wall signs does not exceed one-hundred-fifty (150) square feet for each major use in the building.
- b. Ground Signs and Pole Signs: One on-site sign per frontage on a public right-of-way for each for each major use; provided, however, that the total sign area on ground or pole signs does not exceed one-hundred-fifty (150) square feet for each major use. A minimum separation of 150 feet shall be maintained between ground or pole signs on the same zoning lot.
- c. Project Title Signs: Temporary project title signs shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.*

- a. Advertising Decoration Signs: Thirty (30) square feet per sign.
- b. Billboard Sign: See subsection (j) of this section.

- c. Bulletin Board Signs: Twenty-five (25) square feet per sign, except along designated collector, arterial or expressway streets where the maximum sign area is forty-eight (48) square feet per sign.
- d. Business Sign: One-hundred fifty (150) square feet per sign for awning and canopy signs, projecting signs, and wall signs. Eight-tenths (0.8) square foot per linear foot of street frontage per sign or one-hundred fifty (150) square feet per sign, whichever is less, for ground or pole signs.
- e. Construction Signs: Thirty-two (32) square feet per sign.
- f. Directional Signs: Five (5) square feet per sign.
- g. Nameplate Signs: Two (2) square feet per sign.
- h. Official Signs: One hundred (100) square feet per sign.
- i. Political Signs: Six (6) square feet per sign.
- j. Project Directory Signs: Thirty-two (32) square feet per sign.
- k. Project Title Signs: Sixty-four (64) square feet per sign, except for temporary signs permitted by Section 6-344(g)(3) of this Article.
- l. Real Estate Signs: Eight (8) square feet per sign.
- m. Real Estate Directional Signs: Three (3) square feet per sign.
- n. Special Event Signs: Sixty Four (64) square feet per sign.
- o. Temporary Signs: Eight (8) square feet per sign. Portable signs as permitted by Section 6-344(g)(3).

(5) *Maximum Height.*

- a. For Ground and Pole Signs: Twenty-five (25) feet.
- b. For Building Signs: As permitted by Section 6-342(b)(2).a.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* Illuminated signs shall be permitted.

(f) Commercial and Industrial Districts. The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "LC", "GC", "LI" or "GI" are permitted, subject to all other restrictions and requirements of this Article and all other applicable codes, rules and regulations of Sedgwick County, Kansas.

(1) *Functional Signs.*

- a. Billboard Sign; provided they are subject to the provisions of subsection (j) of this section.
- b. Advertising Decoration Sign.
- c. Bulletin Board Sign.
- d. Business Sign.
- e. Construction Sign.
- f. Nameplate Sign.
- g. Official Sign.
- h. Political Sign.
- i. Project Directory Sign.
- j. Project Title Sign.
- k. Real Estate Sign.
- l. Real Estate Directional Sign.
- m. Special Event Sign.
- n. Temporary Sign.

(2) *Structural Signs.*

- a. Building signs.
- b. Commercial Balloon sign.
- c. Ground sign.
- d. Pole sign.
- e. Projecting sign.

(3) *Number of Signs Permitted.* The following standards shall apply:

- a. Building Signs and Projecting Signs: No limit on the number of on-site individual signs allowed on each building elevation having street frontage or fronting on a parking area; however the total area covered shall not be greater than twenty percent (20%) of each building elevation or more than four hundred (400) square feet in area, whichever is less.
- b. Billboard Signs: See subsection (j) of this section.
- c. Commercial Balloon Signs: See subsection (i) of this section.
- d. Ground Signs and Pole Signs: Lots with 200 feet or less of public street frontage shall be permitted one sign. Lots with more than 200 feet of public street

frontage shall be permitted more than one sign provided that a minimum separation of 150 feet shall be maintained between ground or pole signs on the same zoning lot.

e. Project Title Signs: Shall be permitted as authorized by Section 6-344(g)(3) of this Article.

(4) *Maximum Gross Surface Area.* The combined area of all on-site signs shall not exceed two (2) square feet of area for each lineal frontage foot of the zoning lot, provided no single sign shall exceed a gross surface area of four hundred (400) square feet, for awning and canopy signs, projecting signs, and wall signs and three hundred (300) square feet for ground or pole signs. In addition, the following provisions shall apply:

(5) *Maximum Height.* Thirty-Five (35) feet, except for the following conditions:

a. Commercial Balloon Signs: See subsection (i) of this section.

b. For Building Signs: As permitted by Section 6-342(b)(2).a.

(6) *Required Setback.* Unless otherwise provided within this Article, no sign shall project beyond the property line along all street frontages of the lot where it is located; nor closer than fifteen (15) feet from any side or rear property line.

(7) *Illumination.* Illuminated signs shall be permitted.

(g) *Community Unit Plans, Planned Unit Developments, and Conditional Uses.* This Article shall apply to all uses zoned by or within a Community Unit Plan, Planned Unit Development or Conditional Use; provided that alternative or additional requirements concerning signs may be established on specific sites upon the approval of the Community Unit Plan, Planned Unit Development or Conditional Use by the Governing Body.

(h) *Portable Signs.* Portable signs shall be prohibited.

(i) *Commercial Balloon Signs.* Where permitted, commercial balloon signs shall be subject to the following provisions.

(1) Commercial balloon signs shall be limited to one balloon sign per zoning lot at any given time.

(2) Commercial balloon signs shall be limited to a maximum of 160 square feet in area as measured at the largest cross section.

(3) Commercial balloon signs shall be limited to seven (7) day permits issued no more than four (4) times per calendar year through the Code Enforcement Office.

- (4) Commercial balloon signs shall be limited in height to a maximum of forty-five (35) feet above grade when mounted or tethered on a roof or structure, and to twenty-five (35) feet above grade when mounted on or tethered to the ground.
- (5) Commercial balloon signs shall be located no closer than one hundred (100) feet to the nearest lot line of any "RR", "SF-20", "SF-10", "SF-5" or "TF-3" zoning district.
- (6) Commercial balloon signs must be anchored and/or tethered in accordance with the commercial balloon sign manufacturer's recommendations.
- (7) Commercial balloon signs must be deflated and properly secured when wind speeds exceed forty (40) miles per hour or the manufacturer's maximum wind speed, whichever is less.
- (8) Commercial balloon signs shall be located no closer than five hundred (500) feet to any hospital helicopter landing pad.
- (9) Commercial balloon signs shall be located in accordance with all applicable Federal Aviation Administration regulations.
- (10) Any gas used in commercial balloon signs must be non-combustible.
- (11) Commercial balloon signs shall be fire retardant.
- (12) Commercial balloon signs shall be located no closer than the height of the commercial balloon sign plus ten (10) feet from any electric power transmission line.
- (j) Billboard Signs.
- (1) Billboard signs shall be permitted on property zoned "LC", "GC", "OW", "IP", "LI" or "GI" subject to the following:
 - a. All billboard signs shall conform to the following requirements:
 1. Billboard signs shall be located a minimum of seventy-five (75) feet from a residential structure.
 2. Billboard signs shall be erected so that all elements of the sign and its structure remain on or over the lot where the sign is constructed. No portion of any billboard sign shall encroach upon, or project over any public right-of-way.
 3. Billboard signs shall have a maximum height of thirty-five (35) feet.

4. All lighting of billboard signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property or roadways.
5. All billboard signs shall be free-standing structures and shall be no more than two (2) pole structures only.
6. All billboard signs shall be limited to one advertising face per direction.
7. There shall be a minimum separation of 500 feet between all billboard signs unless otherwise specified in this Article.
8. There shall be no more than one off-site sign facing a direction of travel for each five-hundred (500) linear feet of public right-of-way within a given mile with abutting property zoned "LC" Limited Commercial or less restrictive.
9. The number of billboard signs facing a direction of travel along a public right-of-way shall be limited to five (5) per mile.

- b. In addition to the requirements of subsection (j)(1).a above, billboard signs erected along or intended to be viewed from all streets in the unincorporated area shall be subject to the following additional requirements:

The gross surface area of any billboard sign shall not exceed three hundred (300) square feet, not including cut-outs and embellishments, which may not exceed twenty-five percent (25%) of the face area of the billboard.

- c. In addition to the requirements of subsection (j)(1).a above, and notwithstanding the restrictions in (j)(1).b above, billboard signs erected along or intended to be viewed from the Kansas Turnpike, I-135, I-235, U.S. 81, U.S. 54, K-2, K-15, K-42, K-49, K-53, K-96, and K-254 shall be subject to the following additional requirements:

The gross surface area of any billboard sign shall not exceed 825 square feet, including cut-outs and embellishments, which may not exceed twenty-five percent (25%) of the face area of the billboard. In addition, the maximum vertical dimension of an billboard sign shall be fourteen (14) feet and the maximum horizontal dimension of an billboard sign shall be forty-eight (48) feet, not including cut-outs and embellishments.

- (2) Billboard Signs shall be permitted on property zoned "RR" Rural Residential subject to the following:

- a. Billboard shall be located a minimum of seventy five (75) feet from a residential structure.

- b. Billboard signs shall be erected so that all elements of the sign and its structure remain on or over the lot where the sign is constructed. No portion of any billboard sign shall encroach upon or over, or project over any public right-of-way
- c. Billboard signs shall have a maximum height of thirty-five (35) feet.
- d. All lighting of billboard signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property or roadways.
- e. All billboard signs shall be free-standing structures and shall be no more than two (2) pole structures only.
- f. All billboards signs shall be limited to one advertising face per direction.
- g. There shall be a minimum separation of 500 feet between all billboard signs unless otherwise specified in this Article.
- h. There shall be no more than three (3) off-site signs facing a direction of travel for each mile of public roadway.
- i. There shall be a minimum lot size of twenty (20) acres.

Sec. 6-347. Nonconforming Signs. Every sign in lawful existence at the time this Code becomes effective may continue in existence subject to the following:

(a) All legal nonconforming off-site pole, ground or monument signs may be structurally altered to an extent exceeding fifty percent (50%) of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty percent (50%) of the sign structure, at their existing location provided the number of pole or pylon, or the extent of non-conforming sign height or sign size is reduced by at least twenty-five percent (25%).

(b) If usage of such legal nonconforming sign is discontinued for a period of six months, any future use of such sign must be in conformity with the provisions of this Article.

(c) No sign that has been damaged by fire, wind, explosion, tornado, earthquake, or other act of God to the extent that more than fifty percent (50%) of the fair market value of the sign is destroyed, shall be restored except in conformity with this Article. Any sign, which has been damaged to an extent less than fifty percent (50%), may be restored to its condition, which existed as a nonconforming use prior to its damage.

Secs. 6-348 & 6-349. Reserved.

SECTION 2: ADOPTION OF RULES AND REGULATIONS.

The Director of the Department of Code Enforcement shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the Sign Code.

SECTION 3: REPEAL OF FORMER RESOLUTIONS.

All prior resolutions or parts thereof in conflict herewith, including, but not limited to, Resolution No. 311-1988, are hereby repealed.

SECTION 4: SAVING CLAUSE.

All rights and remedies of Sedgwick County, and the property owners and residents thereof, are expressly saved as to any and all violations of the Sedgwick County Code, Chapter 6, Article VI, Resolution Nos. 311-1988, or any prior sign code adopted as resolutions that have accrued at the time of the effective date of this resolution. The court shall have all the powers that existed prior to the effective date of this resolution as to all such accrued violations.

SECTION 5: SEVERABILITY CLAUSE.

Should any section, clause or provision of this resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 6: PUBLICATION AND EFFECTIVE DATE.

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect upon its publication once in the official county newspaper.

[APPROVALS ON FOLLOWING PAGE]

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM NORTON _____
THOMAS G. WINTERS _____
CAROLYN McGINN _____
BEN SCIORTINO _____

Dated this 15th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

THOMAS G. WINTERS, Chairman
Third District

ATTEST:

DAVID M. UNRUH, Chair Pro Tem
First District

DON BRACE, County Clerk

TIM R. NORTON, Commissioner
Second District

APPROVED AS TO FORM:

CAROLYN McGINN, Commissioner
Fourth District

AARON T. BLASE
Assistant County Counselor

BEN SCIORTINO, Commissioner
Fifth District