

**RESOLUTION TO REPEAL AND REPLACE
THE SEDGWICK COUNTY SIGN CODE**

RESOLUTION NO. 141-2017

Published on: September 6, 2017

Effective Upon Publication

WHEREAS, the Board of County Commissioners of Sedgwick County adopted the County's current sign code on December 15, 2004, with Resolution No. 218-2004; and

WHEREAS, in the *Reed v. Town of Gilbert* case, the Supreme Court of the United States held that content-based provisions in municipal sign codes are reviewed under the standard of strict scrutiny, meaning that many content-based provisions in sign codes would be likely to be ruled unconstitutional; and

WHEREAS, the current sign code in Sedgwick County has content-based provisions; and

WHEREAS, the Board of County Commissioners of Sedgwick County wishes to maintain a lawful and enforceable sign code; and

WHEREAS, this Resolution proposes to eliminate such content-based provisions from the Sedgwick County sign code; and

WHEREAS, this Resolution proposes the repeal and replacement of the Sedgwick County sign code.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1.

Chapter 6, Article VI of the Sedgwick County Code, entitled "Sign Code", is hereby repealed and replaced in its entirety with the following text:

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 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 five hundred dollars (\$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 subsection 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) Variances. The 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. Variances under this article shall be granted under the same procedures and conditions as set forth within the Unified Zoning Code of Wichita and Sedgwick County, Kansas; provided, however, that any alternative or additional requirements concerning signs for uses zoned by or within a community unit plan, planned unit development or conditional use; shall be established on specific sites upon the approval of the community unit plan, planned unit development or conditional use by the governing body.

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 ninety (90) days 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 one hundred eighty (180) days after written notification to sign owner, instead of ninety (90) days.
- (2) Damaged sign: Any sign that has been damaged by any means to the extent of more than fifty (50) percent of its fair market value.
- (3) Director: The director of the MABCD, or his/her designee.
- (4) Double-faced sign: A sign having two (2) 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) Lot, corner: A lot abutting two (2) or more streets at their intersection.
- (8) Lot, through: A lot, other than a corner lot, having frontage on two (2) or more parallel or approximately parallel streets.
- (9) Metropolitan Area Building and Construction Department (“MABCD”): The joint code enforcement department between the county and the City of Wichita. For purposes of this code or any forms or documents utilized pursuant to this code, the terms “code enforcement office” and “department of code enforcement” as they may pertain to the county shall have the same meaning as the MABCD.
- (10) Off-site sign: A permanent sign that is not specifically designed to be modified in terms of the message that is conveyed, and carries a message other than the name, occupation or nature of the activities conducted on the premises and shall not include billboard signs.
- (11) Onsite sign: A sign that carries a message that is incidental to the use of the premises where it is located.
- (12) 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.
- (13) Sign: Any advertising device or surface placed outside of a building, on-premises 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.
- (14) 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 (1) 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 (2) 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 (10) percent of the permitted sign area.
- (15) Sign area, maximum gross surface area: Maximum allowed square footage of sign area permitted per zoning lot.
- (16) 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.
- (17) 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.
- (18) Sign structure: An element, or assemblage of elements, which support or are capable of supporting a sign. A sign structure may be freestanding, attached to a building, an integral part of the building, or combination thereof.

- (19) Small outdoor sign: Any outdoor sign that conveys a message and does not exceed six (6) square feet in area.
- (20) 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 thirty (30) feet from the edge of driveway and a point six (6) feet back of street right-of-way along driveway.
- (b) Classification of signs.
- (1) Functional types of signs.
- a. 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.
 - b. Billboard: A type of off-site outdoor sign with a face that is specifically designed to be modified in terms of the message that is conveyed, whether by the use of electricity or manual modification methods, that disseminates information pertaining to goods, products, or services, including charitable services, political services or appeals, not related to a primary use on the premises where the sign is located. For purposes of this code, the term "billboard" shall not be considered within the term "off-site sign."
 - c. 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.
 - d. Flashing sign: A sign with an intermittent or flashing light source. Generally the sign's message is constantly repeated.
 - e. 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.
 - f. Temporary sign: Any onsite sign, including, but not limited to, signs of lightweight cardboard, airborne, plastic or paper material, displayed for not more than thirty (30) consecutive days, nor more than ninety (90) cumulative days per calendar year.
- (2) Structural types of signs.
- a. Building sign: An onsite 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 (3) feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three (3) 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 (3) feet tall and twenty (20) feet wide above an unglazed portion of the

building elevation, the bottom of which is at least seven (7) feet above grade, may have a building sign that shall not exceed four (4) feet, six (6) inches above the roof or parapet.

- b. Commercial balloon sign: An onsite, temporary sign that is inflated and exceeds five (5) square feet in area, as measured at the largest cross-section, designed to communicate a message. 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 ($\frac{1}{2}$) the width of the widest part of the sign face, or for which the base consists of two (2) or more supports where the sign face is not more than two (2) feet above the average grade of the ground under the sign face. The materials of the base shall be one (1) 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 one (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 subsection 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.
 - (4) Signs placed during the "Election Period" as described in Sedgwick County Resolution No. 77-2016.
- (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) 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.

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 one hundred eighty (180) days from the date of its issuance, such permit shall become null and void. The director may authorize up to a one hundred eighty (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 reinspected 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 (30) 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 (30) 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 to have their appeal heard by the board of zoning appeals.
 - (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) Small outdoor signs not exceeding six (6) square feet in area.
 - (2) Any indoor signs, even though such signs may be visible from outside the building.
 - (3) 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.
 - (4) Flags or emblems displayed on private property.
 - (5) 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.
- (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 thirty (30) consecutive days and ninety (90) cumulative days per calendar year.
 - (2) 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.

- (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 of 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.
- (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 MABCD. 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 MABCD, for an original sign hanger license, and for each renewal thereof.
 - b. Provide proof of liability insurance to the MABCD in the minimum amount of five hundred thousand dollars (\$500,000.00) 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 MABCD, a hearing before the board of code standards and appeals, as established within the Wichita-Sedgwick County Unified Building and Trade Code, 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 subsection 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 effective within Sedgwick County, Kansas, and of the current electrical code effective within 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 two (2) feet. A projecting sign projecting more than two-thirds ($2/3$) of the distance from the property line to the curb line shall be not less than twelve (12) feet above the ground or pavement below. A projecting sign projecting less than two-thirds ($2/3$) of the distance from the property line to the curb line shall be not less than eight (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. Billboard.
 - b. Off-site sign.
 - c. Official sign.
 - c. Small outdoor sign.
 - d. 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.
 - (4) Maximum gross surface area.
 - a. Billboard signs: One hundred twenty eight (128) square feet per sign face and subject to subsection (j) of this section.
 - b. Off-site signs: One hundred twenty-eight (128) square feet per sign and subject to the provisions of subsection (k) of this section.
 - c. Official signs: One hundred (100) square feet per sign.
 - d. Onsite signs. Thirty-two (32) square feet per sign.
 - e. Small outdoor signs: Six (6) square feet per sign.
 - f. Temporary signs: Thirty-two (32) square feet per sign.
 - g. Portable signs as permitted by subsection 6-344(g)(2).
 - (5) Maximum height.
 - a. For ground signs: Six (6) feet.
 - b. For building signs: As permitted by subsection 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.
- (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. Official sign.
 - b. Onsite sign.
 - c. Small outdoor sign.
 - d. Temporary sign.
 - (2) Structural signs.
 - a. Building sign.
 - b. Ground sign.
 - c. Portable sign.
 - d. Pole 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.
 - (4) Maximum gross surface area.
 - a. Official signs: One hundred (100) square feet per sign.
 - b. Onsite signs: Thirty-two (32) square feet per sign.
 - c. Small outdoor signs: Six (6) square feet per sign.
 - d. Temporary signs: Thirty-two (32) square feet per sign.
 - e. Portable signs as permitted by subsection 6-344(g)(2).
 - (5) Maximum height.
 - a. For ground signs: Six (6) feet.
 - b. For building signs: As permitted by subsection 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 onsite signs may be lighted indirectly with white incandescent, LED or fluorescent lights.
- (c) Multifamily 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. Official sign.
 - b. Onsite sign.
 - c. Small outdoor sign.
 - d. 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 (1) building sign permitted per frontage on a public right-of-way for each zoning lot.
- (4) Maximum gross surface area.
 - a. Official signs: One hundred (100) square feet per sign.
 - b. Onsite signs: Thirty-two (32) square feet per sign.
 - c. Small outdoor signs: Six (6) square feet per sign.
 - d. Temporary signs: Thirty-two (32) square feet per sign.
 - e. Portable signs as permitted by subsection 6-344(g)(2).
- (5) Maximum height.
 - a. For ground and pole signs: Twenty (20) feet.
 - b. For building signs: As permitted by subsection 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. Official sign.
 - b. Onsite sign.
 - c. Small outdoor sign.
 - d. Temporary sign.
 - (2) Structural signs.
 - a. Building sign.
 - 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 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 one hundred fifty (150) feet shall be maintained between ground or pole signs on the same zoning lot.
 - (4) Maximum gross surface area.
 - a. Official signs: One hundred (100) square feet per sign.
 - b. Onsite signs: Thirty-two (32) square feet per sign.

- c. Small outdoor signs: Six (6) square feet per sign.
 - d. Temporary signs: Thirty-two (32) square feet per sign.
 - e. Portable signs as permitted by subsection 6-344(g)(2).
- (5) Maximum height.
- a. For ground and pole signs: Twenty-two (22) feet.
 - b. For building signs: As permitted by subsection 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, industrial park and industrial park - airport districts. The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "OW," "IP" or IP-A 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.
 - b. Off-site sign.
 - c. Official sign.
 - d. Onsite sign.
 - e. Small outdoor sign.
 - f. Temporary sign.
- (2) Structural signs.
- a. Building sign.
 - 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 (1) 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 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 one hundred fifty (150) feet shall be maintained between ground or pole signs on the same zoning lot.
 - c. Billboards: See subsection (j) of this section.
 - d. Off-site signs: See subsection (k) of this section.
- (4) Maximum gross surface area.
- a. Billboard signs: See subsection (j) of this section.
 - b. Off-site signs: One-hundred twenty-eight (128) square feet per sign.
 - c. Official signs: One hundred (100) square feet per sign.
 - d. Onsite signs: Thirty-two (32) square feet per sign.
 - e. Small outdoor signs: Six (6) square feet per sign.

- f. Temporary signs: Thirty-two (32) square feet per sign
- g. Portable signs as permitted by subsection 6-344(g)(2).
- (5) Maximum height.
 - a. For ground and pole signs: Twenty-five (25) feet.
 - b. For building signs: As permitted by subsection 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. Off-site sign.
 - c. Official sign.
 - d. Onsite sign.
 - e. Small outdoor sign.
 - f. Temporary sign.
 - (2) Structural signs.
 - a. Building sign.
 - 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 (20) percent 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 two hundred (200) feet or less of public street frontage shall be permitted one sign. Lots with more than two hundred (200) feet of public street frontage shall be permitted more than one (1) sign provided that a minimum separation of one hundred fifty (150) feet shall be maintained between ground or pole signs on the same zoning lot.
 - e. Off-site signs: See subsection (k) of this section.
 - (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 subsection 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 (1) balloon sign per zoning lot at any given time.
 - (2) Commercial balloon signs shall be limited to a maximum of one hundred sixty (160) square feet in area as measured at the largest cross section.
 - (3) Commercial balloon signs shall be limited to seven-day permits issued no more than four (4) times per calendar year through the MABCD.
 - (4) Commercial balloon signs shall be limited in height to a maximum of forty-five (45) feet above grade when mounted or tethered on a roof or structure, and to twenty-five (25) 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 noncombustible.
 - (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", "IP-A", "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 freestanding structures and shall be no more than two (2) pole structures only.
 6. All billboard signs shall be limited to one (1) advertising face per direction.
 7. There shall be a minimum separation of five hundred (500) feet between all billboard signs unless otherwise specified in this article.
 8. The number of billboard signs facing a direction of travel along a public right-of-way shall be limited to five (5) per mile within the unincorporated area of Sedgwick County, with "mile" defined within this code as being the distance between two (2) section line roads that are approximately one (1) mile apart from one another.
 - 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 (25) percent 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 eight hundred twenty-five (825) square feet, including cut-outs and embellishments, which may not exceed twenty-five (25) percent of the face area of the billboard. In addition, the maximum vertical dimension of a billboard sign shall be fourteen (14) feet and the maximum horizontal dimension of a 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 freestanding structures and shall be no more than two (2) pole structures only.
 - f. All billboards signs shall be limited to one (1) advertising face per direction.
 - g. There shall be a minimum separation of five hundred (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 within the unincorporated area of Sedgwick County, with "mile" defined within this code as being the distance between two (2) section line roads that are approximately one (1) mile apart from one another.
 - i. There shall be a minimum lot size of twenty (20) acres.
- (k) Off-site signs.
- (1) Off-site signs shall be permitted on property zoned "LC", "GC", "OW", "IP", "IP-A", "LI" or "GI" subject to the following:
 - a. All off-site signs shall conform to the following requirements:
 - 1. Off-site signs shall be located a minimum of seventy-five (75) feet from a residential structure.
 - 2. Off-site signs shall be erected so that all elements of the sign remain on or over the lot where the sign is constructed. No portion of any off-site sign shall encroach upon, or project over any public right-of-way.
 - 3. All lighting of off-site signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property or roadways.
 - 4. All off-site signs shall be freestanding structures and shall be no more than two (2) pole structures only.
 - 5. There shall be a minimum separation of five hundred (500) feet between all off-site signs unless otherwise specified in this article.
 - 6. There shall be no more than one (1) 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, with "mile" defined within this code as being the distance between two (2) section line roads that are approximately one (1) mile apart from one another.
 - (2) Off-site signs shall be permitted on property zoned "RR" rural residential subject to the following:
 - a. Off-site sign shall be located a minimum of seventy-five (75) feet from a residential structure.
 - b. Off-site signs shall be erected so that all elements of the sign remain on or over the lot where the sign is constructed. No portion of any off-site sign shall encroach upon or over, or project over any public right-of-way.
 - c. All lighting of off-site signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property or roadways.

- d. All off-site signs shall be freestanding structures and shall be no more than two (2) pole structures only.
- e. There shall be a minimum separation of five hundred (500) feet between all off-site signs unless otherwise specified in this article.
- f. There shall be no more than three (3) off-site signs facing a direction of travel for each mile of public roadway within the unincorporated area of Sedgwick County, with "mile" defined within this code as being the distance between two (2) section line roads that are approximately one (1) mile apart from one another.
- g. 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 (50) percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty (50) percent of the sign structure, at their existing location provided the number of pole or pylon, or the extent of nonconforming sign height or sign size is reduced by at least twenty-five (25) percent.
- (b) If usage of such legal nonconforming sign is discontinued for a period of six (6) 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 (50) percent 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 (50) percent, may be restored to its condition, which existed as a nonconforming use prior to its damage.

SECTION 2.

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 3.

The Sedgwick County Clerk is directed to publish this Resolution upon its approval. This Resolution shall be effective upon publication.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Ave</u>
MICHAEL B. O'DONNELL, II	<u>Ave</u>
DAVID T. DENNIS	<u>Ave</u>
RICHARD RANZAU	<u>Absent</u>
JAMES M. HOWELL	<u>Ave</u>

Dated this 16th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

for

Karen S Bailey
KELLY B. ARNOLD, Clerk



David M Unruh

DAVID M. UNRUH, Chairman
Commissioner, First District

Michael B O'Donnell II

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

David T Dennis

DAVID T. DENNIS
Commissioner, Third District

APPROVED AS TO FORM:

Justin M Waggoner

JUSTIN M. WAGGONER,
Assistant County Counselor

Richard Ranzau

RICHARD RANZAU
Commissioner, Fourth District

James M Howell

JAMES M. HOWELL
Commissioner, Fifth District

