

<b>SECTION 12-314</b>	<b>GENERAL REGULATIONS/STANDARDS</b>
314-1	Sign Regulations
314-2	Protection of Environmentally Sensitive Lands
314-3	Lighting

**12-314.1 SIGN REGULATIONS**

**12-314-1.01 Purpose**

These regulations are intended to:

- a. Protect the general public from damage and injury which may be caused by the faulty and unregulated construction of signs;
- b. Prevent the obstruction of traffic visibility and confusion with traffic control devices resulting from improperly placed and designed signs; and
- c. Ensure the visual quality of signs while preserving and promoting the rural aesthetic quality in unincorporated Douglas County Kansas.

**12-314-1.02. Applicability**

All signs must comply with the standards within this section.

**12-314-1.03 Sign Permit**

No person shall install, erect, construct, hang, or alter any sign without first obtaining a Sign Permit from the Director of Zoning and Codes with the following exceptions:

- a. Governmental Signs;
- b. Temporary signs which meet the standards established at Section 12-314-1.13;
- c. Minor Signs; and
- d. Fuel Pump Signs and Fuel Pump Topper Signs

**12-314-1.04 Application and Review Process**

Application for a sign permit shall be made to the Director of Zoning and Codes on a form provided by that office along with the required fee, as established by the Board of County Commissioners.

- a. The applicant shall complete the application and shall provide sufficient information to allow a full and accurate overview of the proposed sign, sign alteration, or replacement of sign copy or sign face.
- b. The Director of Zoning and Codes shall examine each application for a sign permit. Within 28 days of receiving an application, the Director shall approve the application unless:
  - 1) The application is incomplete;

- 2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement; or
- 3) The Zoning and Codes Director determines that the proposed sign or the proposed sign alteration does not conform to the sign regulations or other pertinent law.

#### **12-314-1.05 Sign Permit Duration**

Each sign permit shall be valid for a period of 180 days after issuance.

- a. If the proposed sign or alteration is not completed and final approval of the sign is not obtained within that 180-day period, then the sign permit shall expire and shall be null and void; however,
- b. Upon a showing of good cause, the Director of Zoning and Codes may grant an additional 180 days within which to complete the work and to obtain Final Approval.

#### **12-314-1.06 Sign Permit Suspension or Revocation**

- a. The Director of Zoning and Codes shall have the authority to suspend or revoke any sign permit issued hereunder if the Director finds that the sign permit was issued on incorrect, inaccurate, or incomplete information, or the applicant's work is undertaken or performed in violation of the sign code or any other pertinent law.
- b. Any Notice of Suspension or Notice of Revocation shall be transmitted to the applicant in writing. The notice shall inform the applicant of the reason for suspension or revocation, and shall state that the applicant has 14 days from the date noted on the notice in which to file any written Notice of Appeal with the Director of Zoning and Codes.
  - 1) The Notice of Appeal shall state concisely the decision being appealed and why the appellant believes the decision is in error or otherwise in violation of the Sign Code or other pertinent law.
  - 2) The Board of Zoning Appeals shall hear appeals of the Director's administrative determination per Section 12-307-8.

#### **12-314-1.07 Inspections**

The Director of Zoning and Codes may, from time to time, as deemed necessary, inspect any sign subject to the sign code to determine whether the sign is in good repair, in a proper state of preservation, and is otherwise in compliance with the sign code.

- a. If the sign is in disrepair or is in violation of the sign code or other pertinent law, the Director shall issue a Notice and Order to the sign owner pursuant to Section 12-314-1.14 of this Article.
- b. Upon completion of any sign or alteration of any sign, for which a sign permit was issued, the applicant shall inform the Director of Zoning and Codes, who shall make a final inspection. If the sign is compliant with the sign permit, sign code and other pertinent laws, the Director shall issue Final Approval of the Sign. If the sign is not in compliance with the sign permit, the sign code and other pertinent laws, the Director shall issue a Notice and Order pursuant to Section 12-314-1.14 of this Article.

### **12-314-1.08 Sign Standards**

All signs shall be installed, erected, constructed, hung, or altered in accordance with these sign standards and all other pertinent laws in effect and enforced by the County and other regulatory agencies.

### **12-314-1.09 Dimensions.**

- a. Detached Signs. The area of a detached sign shall be computed by the entire area of the sign face, of the sign structure, sign cabinet or module, enclosed by the border of the frame.
- b. Wall, window or other building-mounted signs. The size of the sign shall be measured by the area of the background.
- c. Height. Sign height is measured from the lowest grade directly below the sign to the highest point on the sign or sign structure.
- d. Clearance. Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

### **12-314-1.10 Standards Applicable To All Signs**

- a. Maintenance. All signs, together with all supports, braces, guys, and anchors, shall be maintained in good repair and in a proper state of preservation.
- b. Location. Signs shall not be located in any of the following:
  - 1) A public road right-of-way, except for governmental signs installed by the County or Township, or other similar signs required by applicable federal, state, or local law;
  - 2) The sight distance triangle.
  - 3) A public utility or drainage easement.
- c. Illumination. All illuminated signs shall be designed to eliminate negative effects on surrounding public right-of-way and adjacent properties.
  - 1) The light associated with an illuminated sign shall not flash, oscillate, or otherwise create a negative effect on residential uses in direct line-of-sight of the sign.
  - 2) External light sources illuminating any externally illuminated sign shall be directed and shielded to limit direct illumination of any object other than the sign.

### **12-314-1.11 Prohibited Signs.**

The following sign types are not permitted:

- a. Billboard signs;
- b. Pole signs within the Urban Growth Area;
- c. Electronic Messaging Centers;
- d. Animated Signs;

- e. Flashing Signs;
- f. Mobile Signs;
- g. Off-premise sign with a commercial content (not directional signage);
- h. Any sign that makes use of any work, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic on a public right-of-way; and
- i. Any sign displaying any material, be it words, scenes, or graphics, that are obscene, indecent, immoral, or harmful to minors within the meaning of K.S.A. 21-6401, as amended.

**12-314-1.12 Sign Regulations per Zoning District**

On-premise signs are permitted in the following districts subject to the following standards:

- a. AG-1 District
  - 1) Maximum of one sign per lot/parcel and one building mounted sign per building.
  - 2) Maximum size of 32 square feet per sign
  - 3) Internally illuminated signs not permitted.
  - 4) The sign may be externally illuminated, but illumination is to be turned off at the end of business hours.
  - 5) Free standing signs must be set back a minimum of 10 feet from a road right-of-way, unless along a Federal or State Highway when the state or federal regulations shall apply.
- b. AG-2 and V Districts
  - 1) Maximum of one sign per lot/parcel and one building mounted sign per building.
  - 2) Maximum size of 20 square feet.
  - 3) Internally illuminated signs not permitted.
  - 4) The sign may be externally illuminated, but illumination is to be turned off at the end of business hours.
  - 5) Free standing signs must be set back a minimum of 10 feet from a road right-of-way, unless along a Federal or State Highway when the state or federal regulations shall apply.
- c. LS DISTRICT
  - 1) Maximum of one sign per building.
  - 2) Maximum size of 8 square feet.
  - 3) No illuminated signs permitted

- 4) Free standing signs must be set back a minimum of 10 feet from a road right-of-way, unless along a Federal or State Highway when the state or federal regulations shall apply.

**d. LB and RT DISTRICT**

- 1) Building Mounted Sign:
  - i. Each business may have sign attached flat to the face of the building.
  - ii. The sign may not exceed 32 square feet in area.
  - iii. Internally illuminated signs not permitted.
  - iv. The sign may be externally illuminated, but illumination is to be turned off at the end of business hours.
- 2) Free Standing Marker
  - i. One free standing sign is permitted per lot/parcel.
  - ii. The sign shall not be more than 4 feet in height from the ground and shall be limited to 32 square feet in area.
  - iii. Free standing signs must be set back a minimum of 10 feet from a road right-of-way, unless along a Federal or State Highway when the state or federal regulations shall apply.
  - iv. Internally illuminated signs not permitted.
  - v. The sign may be externally illuminated, but illumination is to be turned off at the end of business hours.

**e. GB, LI and GI DISTRICTS**

- 1) Building Mounted Sign:
  - i. Each business may have sign attached flat to the face of the building.
  - ii. The sign shall not exceed 32 square feet in area.
  - iii. External and/or internal illuminated signs permitted during business hours.
- 2) Free Standing Marker
  - i. One free standing sign is permitted per lot/parcel.
  - ii. The sign shall not be more than 4 feet in height from the ground and shall be limited to 32 square feet in area.
  - iii. Free standing signs must be set back a minimum of 10 ft from a road right-of-way, unless along a Federal or State Highway when the state or federal regulations shall apply.
  - iv. Internally illuminated signs not permitted.

- v. The sign may be externally illuminated, but illumination is to be turned off at the end of business hours.

#### **12-314-1.13 Temporary Signs**

- a. It shall be the duty of the person who causes the temporary sign to be installed, erected, or hung, to remove the temporary sign when the authorized display time has expired.
- b. Temporary signs shall neither be illuminated nor painted with light-reflecting paint.
- c. Temporary signs may be constructed of rigid or non-rigid material and must be securely anchored so as not to pose a distraction nor hazard to drivers, bicyclists, or pedestrians.
- d. Temporary signs are limited to 60 days, with the following exception:
  - (1) The Director of Zoning and Codes is authorized to allow a temporary sign to remain on a parcel for longer than 60 days in a calendar year provided:
    - i. The property owner consents and the real property is being offered for sale through a real estate agent or through advertising in a local newspaper or the internet;
    - ii. The temporary sign is removed within 15 days after completion of the sale of the real property, or within 15 days after a contract for lease or rent of the real property has been executed.
- e. The Director of Zoning and Codes is authorized to require the removal of any temporary sign that pertains to an expired event.
- f. No more than 2 temporary signs shall be allowed on any property with the exception of temporary signs placed on a property for not more than 50 days prior to and 10 days after the date of a political election or ballot measure.
- g. Public Works or the Director of Zoning and Codes is authorized to remove and to dispose of any temporary signs found on public property or in a right-of-way.

#### **125-314-1.13 Nonconforming Signs**

- a. Nothing in these regulations shall prohibit the ordinary maintenance or repair of a nonconforming sign.
  - 1) For the purpose of this section, replacement of sign copy, content or message is considered ordinary maintenance.
- b. Any nonconforming sign that is structurally compromised, damaged by fire, explosion, collision, or other casualty by more than 50% of its present value shall not be repaired or replaced.
- c. Any nonconforming sign that topples because its supports have been broken, have buckled, or are exhausted shall be considered to be damaged by more than 50% of its present value.
- d. Internal illumination of nonconforming signs is prohibited.

#### **12-314-1.14 Hazardous, Dangerous, Abandoned, and Vacant Signs; Signs Installed or Altered Without a Sign Permit**

##### **a. Notice and Order**

- 1) Permanent Signs, if the Zoning and Codes Director finds that a permanent sign or sign structure is unsafe and insecure, is hazardous, presents a danger to the public, has been abandoned, or has been installed, constructed, erected, hung, or maintained in violation of these Regulations, then he or she shall give written Notice and Order to the owner of the real property to remove the offending sign or sign structure, or to correct any deficiency therein, within 30 days in order to come into compliance with the Sign Code. The Notice and Order shall specifically list the violation cited, shall give the owner 30 days to come into compliance, and shall notify the owner that they may appeal the Notice and Order to the Board of Zoning Appeals, in accordance Section 12-308.
- 2) Temporary Signs. If the Zoning and Codes Director finds that a temporary sign is unsafe and insecure, is hazardous, presents a danger to the public, has been abandoned, or has been installed, constructed, erected, hung, or maintained in violation of these Regulations, then they shall give written Notice and Order to the owner of the real property or the person responsible for placing the temporary sign to remove the offending temporary sign immediately in order to come into compliance with these Regulations. The Notice and Order shall specifically list the violation cited, shall give the owner 1 business day to come into compliance, and shall notify the owner that he or she may appeal the Notice and Order to the Board of Zoning Appeals in accordance to Sub-Section 12-308.
- 3) Filing of an appeal from this subsection does not stay any administrative enforcement action under these Regulations until the Board of Zoning Appeals has issued its final order.

#### **12-314-1.15 Appeals**

Any person aggrieved by a decision of the Director of Zoning and Codes related to any sign permit, Notice and Order, or other signage regulations shall have the right to appeal such a decision to the Board of Zoning Appeals, as noted in Section 12-308.

#### **12-314-1.16 Definitions**

- a. Animated Sign: Any sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means.
- b. Billboard: A permanent sign structure that is specifically intended for and used to display off-premises signs and is intended to be manually changed frequently or intermittently.
- c. Electronic Message Center (EMC) Sign: A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message, or content to be made remotely.
- d. Externally Illuminated Sign: Any sign, where the sign face reflects light intentionally directed upon it by an external light source.

- e. Flashing Sign: A sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic 'on-off' of the same light source or display pattern, or that includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source.
- f. Fuel Pump Sign: A small sign or video screen mounted above or in, and integrated into the structure of an operable fuel dispensing pump, that is used to advertise the brand name of the fuel dispensed from the pump or to advertise goods offered for sale on the same lot on which the fuel pump is located, and that is neither legible, nor intended to be legible, from a public right-of-way.
- g. Fuel Pump Topper Sign: A small sign affixed to the top of an operable fuel-dispensing pump that is used to advertise goods offered for sale on the same lot on which the fuel pump is located and that is neither legible, nr intended to be legible, from a public right-of-way.
- h. Governmental Sign: Any type of sign that is constructed, placed, or maintained by, or at the direction of, federal, state, or local government. Governmental Signs include, but are not limited to: signs required to enforce or provide notice of a property owner's rights; signs for safety of the public; and traffic control or similar regulatory devices designed and located to control traffic movement and safety of vehicles and pedestrians in accordance with uniform traffic control device standards, such as the Manual for Uniform Traffic Control Devices (MUTCD).
- i. Internally Illuminated Sign: Any sign for which the source of light is entirely enclosed within the sign.
- j. Minor Sign: A sign, not more than 4 square feet in area, intended to convey messages to internal users of a site, and generally not visible from or intended to convey messages to persons in the public right-of-way. Examples include parking instructions, directional or wayfinding information, security warnings, business identification, or other similar communications that are accessory to the use of the site and any building located thereon.
- k. Mobile Sign: A sign affixed to a truck, trailer, automobile or other vehicle.
- l. Nonconforming Sign: Any sign that was lawful at the time of installation, erection, construction, or alteration, but is now prohibited by the sign code.
- m. Off-premises Sign: A sign installed, erected, or constructed on a site that is not appurtenant to the use of, products being sold on, work being performed on, or the sale, lease, or rental of the land on which the sign is located, and shall include all billboard signs and political signs with a gross surface area of more than 32 square feet.
- n. On-premises Sign: A sign installed, erected, or constructed on a site or property appurtenant to the use of, products being sold on, work being performed, on, or the sale, lease or rental of the land on which the sign is located.
- o. Portable Sign: A sign or sign structure without a permanent foundation and not otherwise permanently attached to a fixed location that can be carried, towed, hauled, or transported and is primarily designed to be moved rather than limited to a fixed location, regardless of any modifications that may limit its portability.



- p. Sign: Any name, identification, description, display, or illustration that is affixed to, painted on, or represented directly or indirectly upon a building or other outdoor surface or support structure and that directs attention to, or is designed or intended to direction attention to, the sign face or to an object, product, place, building, structure, activity, person, institution, organization, or business, including all parts, portions, units, and materials composing the same; together with the frame, background, and supports or anchoring thereof.

For the purposes of the sign code, a work of art, as defined in this article, is not considered to be a sign.

Any sign located entirely within an enclosed structure and not exposed to a public right-of-way or parking lot is not, for the purposes of the sign regulations, considered to be a sign.

- q. Sign Copy: The letters, numerals, figures symbols, logos, and graphic elements constituting the content or message of a sign.
- r. Sign Alteration: Any change or modification to the size, shape, height, width, or depth of a sign or sign structure; any replacement or reconstruction of a sign structure foundation nor base, or any replacement of poles or pylons that support a sign or sign structure.

Sign alteration does not include the replacement of existing sign face, ordinary repair or maintenance of an existing sign or sign structure (such as masonry tuck-pointing, sandblasting, patching of holes, painting or re-covering an existing sign pole), or replacement or upgrade to internal electrical components of an existing sign or sign cabinet.

- s. Sign Structure: Any structure that is built or constructed and supports, or is capable of supporting, a sign, as defined herein. A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or sign cabinet, and any structural framework that supports a sign, sign face, or sign cabinet.
- t. Temporary Sign: A portable sign that is not permanently embedded in the ground or permanently affixed to a building or structure, and that is designed or intended to be displayed for a limited time. Typically, a temporary sign is constructed of cloth, canvas, light fabric, cardboard, wallboard, aluminum, or other similar light materials, with or without frames. A temporary sign does not include a permanent sign with temporary or changeable sign copy or a portable sign.
- u. Vacant Sign: Any sign located on a building or property that is vacant and unoccupied for more than 60 days.
- v. Work of Art: Any mural painting or decoration, inscription, mosaic, painted glass, gas-relieve, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration, and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. Typically, a work of art does not incorporate logos or other commercial speech

## **12-314-2            PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS**

### **12-314-2.01      Applicability**

The standards for the protection of environmentally sensitive lands shall apply to all construction and development within the unincorporated portion of the county that is subject to these Zoning Regulations.

### **12-314-2.02 Environmentally Sensitive Lands**

If 500 square feet or more of a proposed development consists of lands falling in the following categories, any proposed development may proceed only in accordance with the processes allowed by this section. The lands affected by this section are listed below in a priority order for protection:

- a. Regulatory Floodways, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the County GIS Map;
- b. Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the County GIS Map;
- c. Jurisdictional Wetlands, as determined by the Army Corps of Engineers;
- d. Stream Corridors as defined in these regulations;
- e. Native Prairie and Restored Prairie; which have been voluntarily listed for protection;
- f. Prime Farmland as defined by the Natural Resource Conservation Service;
- g. Stands of Mature Trees as defined in these regulations; with priority to Heritage Woodlands (old growth forests); and
- h. Archaeological and Historic Sites listed on local, state, or federal registers.

### **12-314.2.03 Procedures**

#### **a. Protection Required**

Environmentally sensitive lands shall be protected with all types of developments, including residential, commercial, and industrial. Up to 40% of a property may be required to be protected if the property contains more than 40% of environmentally sensitive lands. The protected land shall be placed in a tract, easement, or future development area or may be further protected with a conservation easement or temporary set-aside agreement as noted in Section 11-104 of the Subdivision Regulations.

#### **b. Development Process**

Development on land which contains more than 500 square feet of environmentally sensitive lands shall require submission of a Sensitive Areas Site Plan and may proceed through one of the following processes:

- 1) Site Planning or Conditional Use.  
The Sensitive Areas Site Plan may be provided separately or may be consolidated with any other required plan, but will be required prior to approval of a development proposal. The plan shall clearly delineate the environmentally sensitive lands to be protected and shall include information regarding protection measures and maintenance.

- 2) Platting or Certificates of Survey.  
Environmentally sensitive lands to be protected shall be located within tracts, easements or future development areas. Information regarding ownership and maintenance responsibility of the tract or easement as well as protection measures, shall be included on the plat or certificate of survey.

**c. Effect on Development Density**

Protected Environmentally Sensitive Lands may be included in determining the allowable density or intensity of development and the allowable density, calculated on the total land area, may be transferred to other developable portions of the property.

**d. Sensitive Areas Site Plan**

- 1) Prior to development on land containing more than 500 square feet of environmentally sensitive lands listed in Section 12-314-2.02, a Sensitive Areas Site Plan shall first be submitted to and approved by the applicable office, the Planning Office or Zoning and Codes.
- 2) Contents:  
The sensitive area site plan is not required to be completed by an engineer, architect, or other design professional. The plan shall:
  - i. Clearly delineate the property boundaries.
  - ii. Clearly delineate the boundaries of the environmentally sensitive lands listed in Section 12-314-2.02.
  - iii. Designate protected lands per the priority order in Section 12-314-2.02.
  - iv. Provide information on the ownership and maintenance responsibility of the protected lands.
  - v. Provide information on the methods to be used to protect environmentally sensitive lands, both during construction and after.

**12-314-3. LIGHTING**

**12-314-3.01 Purpose**

The outdoor lighting standards of this section are intended to eliminate spillover light and light glare on motor vehicle operators, nearby land uses, and pedestrians. Safety considerations and protection of the rural character of the unincorporated area are the primary basis for the regulations.

**12-314.3.02 Applicability**

The regulations of this section apply to all uses except:

- a. Public street/highway lighting are exempt from the standards of this section but are subject to all applicable standards of the Kansas Department of Transportation or the County Public Works Department.
- b. Residential uses are exempt except that spot lights, flood lights, or security lights that create a glare on neighboring properties are prohibited.

- c. Holiday lighting; and
- d. TV, Microwave, or Radio Towers; Wireless Facilities; and Wind Energy Conversion Systems.

**12-314.303 Lighting Plan**

- a. An outdoor lighting plan shall be submitted to the Planning Director whenever outdoor lighting is to be installed or whenever site plan or conditional use permit review is required. The lighting plan shall be reviewed to determine whether the proposed outdoor lighting complies with the standards of this section.
- b. The outdoor lighting plan shall include the following:
  - 1) Scaled drawing of the site with all outdoor lighting fixture locations identified.
  - 2) Fixture specifications, such as catalog cut-sheets.
  - 3) The plan shall note the type of fixture, height, shielding, luminaire type, wattage, lumen level and, if an LED light, the BUG rating.

**12-314.304 Lighting Standards**

- a. All outdoor lights shall, to the maximum extent feasible, confine emitted light to the property on which it is located.
- b. Lights shall not be directed upwards to the sky, but may be pointed up to provide up-lighting to a building or sign.
- c. All non-LED fixtures shall be full cut-off fixtures.
- d. LED Standards (Reserved)
- e. Wildlife Habitat or Conservation Area (Reserved)